

By Mr. GREEN of Iowa: A bill (H. R. 15128) imposing temporary duties upon imports that are agricultural products to meet present emergencies, to provide revenue, and for other purposes; to the Committee on Ways and Means.

By Mr. WELTY: A bill (H. R. 15129) providing for a standard of naturalization and Americanization of aliens and amending the act of February 18, 1875; to the Committee on Immigration and Naturalization.

By Mr. DAVIS of Minnesota: A bill (H. R. 15130) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1922, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. PARKER: A bill (H. R. 15131) to authorize the construction of a bridge across the Hudson River between the city of Troy in the county of Rensselaer and the city of Cohoes in the county of Albany, State of New York; to the Committee on Interstate and Foreign Commerce.

By Mr. WELLING: A bill (H. R. 15132) to establish a national bison range and game preserve in the State of Utah; to the Committee on Agriculture.

By Mr. BENSON: A bill (H. R. 15133) to provide for the erection of a public building at Bel Air, Md.; to the Committee on Public Buildings and Grounds.

By Mr. VAILE: A bill (H. R. 15134) granting pensionable status to surviving members of the third battalion of Ohio Militia who served during the Civil War and to the widows of certain members of said battalion; to the Committee on Pensions.

By Mr. McARTHUR: Joint resolution (H. J. Res. 413) proposing an amendment to the Constitution of the United States; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also, joint resolution (H. J. Res. 414) proposing an amendment to the Constitution of the United States; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. EDMONDS: Joint resolution (H. J. Res. 415) extending the time for the payment of taxes under the act of February 24, 1919; to the Committee on Ways and Means.

By Mr. STEPHENS of Ohio: Resolution (H. Res. 615) to increase the salaries of two pages at the House telephone booths; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOWERS: A bill (H. R. 15135) granting an increase of pension to George A. Liston; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 15136) granting a pension to Bessie Patton; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 15137) granting an increase of pension to Mary E. Whitbeck; to the Committee on Invalid Pensions.

By Mr. HARRELD: A bill (H. R. 15138) granting an increase of pension to Elijah P. Higgins; to the Committee on Pensions.

By Mr. HUSTED: A bill (H. R. 15139) for the relief of the dependent parents of Fred Ward, civilian employee of the Government, who was killed while in the discharge of his duties at the United States naval magazine at Iona Island, N. Y.; to the Committee on Claims.

By Mr. MCKINLEY: A bill (H. R. 15140) granting an increase of pension to Mary Winegardner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15141) to amend the military record of Wade H. Newman; to the Committee on Military Affairs.

By Mr. MOORES of Indiana: A bill (H. R. 15142) granting a pension to Lewis V. Boyle; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 15143) granting an increase of pension to Lou Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15144) granting an increase of pension to Tivis C. Simmons; to the Committee on Pensions.

Also, a bill (H. R. 15145) for the relief of John W. Hardwick; to the Committee on Military Affairs.

By Mr. SHERWOOD: A bill (H. R. 15146) granting a pension to Emma Durocher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15147) granting a pension to Sarah A. Warren; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 15148) granting a pension to Elizabeth M. A. Baumgarner; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 15149) granting a pension to William H. Linnabary; to the Committee on Invalid Pensions.

By Mr. WELTY: A bill (H. R. 15150) granting a pension to Daisy B. Shindollar; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4536. By the SPEAKER (by request): Petition of a special committee of the Columbia Heights Citizens' Association, urging the appointment of a special committee to investigate the eligibility of the members of the public utilities commission of the city of Washington, D. C.; to the Committee on the District of Columbia.

4537. By Mr. BRIGGS: Petition of A. B. Robinson, of Palestine, Tex., urging the defeat of the Smith bill and any other measure which will grant irrigation privileges in national parks; to the Select Committee on Water Power.

4538. Also, petition of Robert I. Cohen, of Galveston, Tex., urging Congress to accept the recommendation of the Postmaster General to adopt a 1-cent drop letter rate for towns, cities, and rural routes; to the Committee on the Post Office and Post Roads.

4539. By Mr. FULLER of Illinois: Petition of the Nature Study Society, of Rockford, Ill., favoring preservation of national parks; to the Committee on the Public Lands.

4540. Also, petition of the Wilson Shoe Co., of La Salle, favoring 1-cent drop letter postage; to the Committee on the Post Office and Post Roads.

4541. Also, petition of the Yorkville (Ill.) Woman's Club, favoring the passage of the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

4542. Also, petition of the National Council, Sons and Daughters of Liberty, concerning restrictions of immigration, etc.; to the Committee on Immigration and Naturalization.

4543. Also, petition of W. C. Ritchie & Co., of Chicago, favoring the Nolan Patent Office bill (H. R. 11984); to the Committee on Patents.

4544. Also, petition of W. J. Clancy, of La Salle, Ill., favoring amendment to sections 204, 214, and 234 of the revenue act; to the Committee on Ways and Means.

4545. By Mr. GARNER: Petition of sundry citizens from the fifteenth congressional district of Texas, favoring recognition of the Irish republic; to the Committee on Foreign Affairs.

4546. By Mr. LUCE: Petition of members of the Woman's Club of Newton Highlands, Mass., urging the elimination of national parks from Federal water-power act; to the Select Committee on Water Power.

4547. By Mr. O'CONNELL: Petition of the directors of the East New York Savings & Loan Association, favoring an amendment to the present income tax laws; to the Committee on Ways and Means.

4548. Also, petition of the Corrugated Bar Co. (Inc.), of Buffalo, N. Y., and the Brunswick-Balke-Collender Co., of New York, N. Y., favoring increase of salaries in Patent Office; to the Committee on Patents.

4549. By Mr. PAIGE: Petition of sundry citizens of Massachusetts, protesting against water-power privileges in national parks; to the Select Committee on Water Power.

4550. By Mr. ROGERS: Petition of corporation of the members of the Catholic Association, Lowell, Mass., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

SENATE.

THURSDAY, December 16, 1920.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, at the threshold of the duties of a new day we pause to turn our thoughts toward Thee. We would carry the inspiration of a moment of prayer into the duties of this day. Whether Thou dost call us to things that are great or small we would remember that all has a divine relationship and that we are called to be coworkers with God. Fit us for the high calling of this day and enable us to glorify Thy name through the efforts of our lives and the consecration of our spirits to Thy service. For Christ's sake. Amen.

The reading clerk proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CURTIS and by unani-

mous consent, the further reading was dispensed with and the Journal was approved.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Gronna	McLean	Smith, Ga.
Beckham	Harris	McNary	Smith, Md.
Brandeggee	Harrison	Moses	Smith, S. C.
Calder	Heflin	Nelson	Smoot
Capper	Henderson	New	Spencer
Chamberlain	Johnson, Calif.	Nugent	Stanley
Colt	Jones, Wash.	Overman	Sterling
Culberson	Kendrick	Page	Sutherland
Curtis	Kenyon	Phipps	Swanson
Dillingham	Keyes	Polindexter	Thomas
Edge	King	Ransdell	Townsend
Fernald	La Follette	Sheppard	Trammell
Fletcher	McCumber	Simmons	Warren
France	McKellar	Smith, Ariz.	Watson

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is unavoidably absent, having been called from the city on account of the serious illness of a member of his family. He is paired on all questions with the junior Senator from Ohio [Mr. HARDING].

Mr. NELSON. I desire to announce that my colleague [Mr. KELLOGG] is detained on account of important business.

Mr. HARRISON. I wish to announce that the Senator from Delaware [Mr. WOLCOTT] is absent on official business, and that the Senator from South Dakota [Mr. JOHNSON] is absent owing to illness.

The VICE PRESIDENT. Fifty-six Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (H. R. 13402) for the purchase of land occupied by experiment vineyards near Fresno and Oakville, Calif., in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. HARRIS presented petitions of the board of commissioners of roads and revenues of Dougherty County, Ga., and the State highway board of Georgia, praying for the enactment of legislation to continue the appropriation for Federal aid to post roads in the several States, which were referred to the Committee on Post Offices and Post Roads.

Mr. CAPPER presented a resolution in the nature of a petition adopted by various farm organizations at a joint meeting held at Hotchkiss, Colo., praying for the enactment of legislation placing an embargo on agricultural products and assistance to the agricultural producers, which was referred to the Committee on Agriculture and Forestry.

Mr. COLT presented a petition of the Fleet Naval Reserve C. & D. Association, of Newport, R. I., praying for the enactment of legislation for certain employment under authority of the Navy Department, which was referred to the Committee on Naval Affairs.

He also presented memorials of the board of aldermen of the city of Newport, and the Chamber of Commerce of Providence, R. I., remonstrating against the enactment of legislation removing the Naval War College from Newport to Washington, which were referred to the Committee on Naval Affairs.

Mr. SMITH of Maryland presented petitions of the Women's Civic League, the Sorosis Club, the Mother's Club, the Women's Nonpartisan Political Study Club, and the Neighborhood Improvement Club of Govan, all of Baltimore, Md., and the Women's Club of Laurel, Md., praying for the enactment of legislation for the protection of maternity and infancy, which were ordered to lie on the table.

He also presented a memorial of Mount Savage Council, 1058, of Mount Savage, Md., remonstrating against the enactment of legislation to create a department of education, and for other purposes, which was referred to the Committee on Education and Labor.

He also presented memorials of the dean of the department of engineering of Johns Hopkins University, the district superintendent American Radio Relay League, Radio Association of Maryland Academy of Science, all of Baltimore, Md., remonstrating against the enactment of legislation providing for the regulation of radio communication in the United States, which were referred to the Committee on Naval Affairs.

He also presented memorials of the Washington Radio Club, of Bethesda, Md., and the La Salle Institute, of Cumberland, Md., remonstrating against the enactment of legislation providing for the regulation of amateur radio communication in the United States, which were referred to the Committee on Naval Affairs.

He also presented memorials of the Kohler Manufacturing Co., the William H. Crawford Co., the Carr-Lowry Glass Co., and the Buck Glass Co., all of Baltimore, Md., remonstrating against the passage of the so-called Haugen bill proposing to amend the pure food and drugs act, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Woman's Club of Westminster, the Women's Civic League of Howard Park, the Baltimore Kindergarten Club, the Arundel Club of Baltimore, the Women's Christian Temperance Union of Sandy Springs, the Women's Club of Kensington, the Women's Christian Temperance Union of Washington County, the Allegany League of Women Voters, and the Hyattsville Women's Club, all of the State of Maryland, praying for the enactment of legislation for the protection of maternity and infancy, which were ordered to lie on the table.

Mr. TOWNSEND presented a memorial of the Knit Goods Manufacturers of America in session at Utica, N. Y., protesting against the passage of the so-called French-Capper truth in fabric bill, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the executive committee of the National Association of Purchasing Agents, praying for the enactment of legislation to establish commercial bribery as a Federal penal offense, which was referred to the Committee on the Judiciary.

He also presented a petition of Detroit Branch No. 1, National Association of Letter Carriers of the United States of America, of Detroit, Mich., praying for the enactment of legislation granting an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

MEDALS OF MERIT IN MERCHANT MARINE.

Mr. JONES of Washington. Mr. President, from the Committee on Commerce I report back favorably without amendment the bill (H. R. 13264) to provide for the award of a medal of merit to the personnel of the merchant marine of the United States of America.

The passage of the bill is recommended quite strongly by the Secretary of Commerce. It is based upon the report of a special commission that he appointed. The bill has passed the House and I ask for its present consideration.

There being no objection, the Senate as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to present, but not in the name of Congress, a medal of merit of appropriate design with a bar and ribbon, together with a rosette or other device to be worn in lieu thereof, to any person who in the merchant marine of the United States between the 6th day of April, 1917, and the 11th day of November, 1918, distinguished himself by extraordinary heroism or distinguished service at sea in the line of duty.

Sec. 2. That no more than one medal of merit shall be issued to any one person, but for each succeeding deed or service sufficient to justify the award of a medal, the President may award a suitable bar or other suitable emblem or insignia to be worn with the decoration and the corresponding rosette or other device.

Sec. 3. That, except as otherwise prescribed herein, no medal or bar or suitable emblem or insignia in lieu of said medal shall be issued to any person after three years from the passage of this act, unless a specific statement or report distinctly setting forth the act or distinguished service and suggesting or recommending official recognition thereof shall have been made and substantiated at the time of the act or service or within three years after the passage of this act.

Sec. 4. That in case an individual who shall distinguish himself dies before the making of the award to which he may be entitled, the award nevertheless may be made and the medal or bar or other emblem or insignia presented to such representative of the deceased as the President may designate.

Sec. 5. The President is authorized to make from time to time any and all rules, regulations, and orders which he shall deem necessary to carry into effect the provisions of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WATER POWER IN NATIONAL PARKS.

Mr. JONES of Washington. The Committee on Commerce directs me to report back favorably without amendment the bill (S. 4554) to amend an act entitled "An act to create a Federal power commission; to provide for the improvement of navigation; the development of water power; the use of the public lands in relation thereto; and to repeal section 18 of the river and harbor appropriation act, approved August 8, 1917, and for other purposes," approved June 10, 1920.

I desire to submit an oral report for just a moment, but will not ask for the present consideration of the bill, as there are Members of the Senate, especially of the Committee on Public Lands, who may desire to look over the bill.

At the last session we passed the water-power bill. It was not signed on the last day of the session. It was supposed of

course, to have failed by reason of the failure to be signed, but upon investigation we reached the conclusion that the President had further time to consider the bill.

Upon a conference with the Secretary of the Interior I found that he had objected to the signing of the bill for the reason that it embraced within its terms and gave jurisdiction to the commission over national parks. He did not think that this should be done. He thought that no permit for the construction of water power, dams, reservoirs, houses, and so forth, in national parks should be made except by an act of Congress and all the circumstances considered. I assured him that if he would withdraw his objection to the signing of the bill I would introduce a measure at the opening of this session taking the national parks out of the jurisdiction of the Water Power Commission. I, of course, committed no one but myself. Upon that assurance he withdrew his objection, and the bill was signed, and the water-power legislation is now on the statute books.

This bill was introduced to carry out that assurance given to the Secretary. It is a bill prepared by the Secretary to meet his views. The Committee on Commerce considered it this morning, and directed me to report it unanimously without amendment. So I submit the report and ask that the bill may go to the calendar, with the statement, however, that at the first opportunity, after the Senate has had an opportunity to consider it, I shall call it up and ask the Senate to pass it.

The VICE PRESIDENT. The bill will be placed on the calendar.

BARNEGAT CITY, N. J.—CHANGE OF REFERENCE.

Mr. JONES of Washington. Mr. President, the bill (S. 4631) to reimburse the borough of Barnegat City, State of New Jersey, for expenses incurred by it in the construction of jetties and in other work having for its object the protection of the lighthouse and adjacent property belonging to the Government of the United States situate at Barnegat Inlet, in the State aforesaid, was on Monday last referred to the Committee on Commerce. That committee upon examining the bill have decided that it is a bill which properly should go to the Committee on Claims. I therefore ask unanimous consent that the Committee on Commerce may be discharged from the further consideration of the bill and that it may be referred to the Committee on Claims.

The VICE PRESIDENT. Without objection, it is so ordered.

SUPERINTENDENT OF SENATE DOCUMENT ROOM.

Mr. CALDER. Mr. President, we have had George H. Boyd as superintendent of the document room for a number of years. His salary has been carried in the legislative, executive, and judicial appropriation bill. He died recently and it is necessary to appoint a new man.

I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report back favorably Senate resolution 405, providing for the appointment of a new man and the payment of his salary out of the contingent fund of the Senate. I ask unanimous consent for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, which was read as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to appoint William Grant Lienallen superintendent of the Senate document room at the rate provided by the legislative, executive, and judicial act approved May 29, 1920, to be paid out of the contingent fund of the Senate until otherwise provided by law.

Mr. KING. I did not understand the statement of the Senator. Does the resolution involve the creation of a new place?

Mr. CALDER. The former incumbent of the office died and the new appointee can not be paid in any other way.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HENDERSON:

A bill (S. 4657) granting a pension to Ensign O. Lane;

A bill (S. 4658) granting a pension to J. E. Peters; and

A bill (S. 4659) granting a pension to Thomas W. Bath; to the Committee on Pensions.

By Mr. KING:

A bill (S. 4660) to appropriate \$100,000 for the survey of public lands in Utah; to the Committee on Public Lands.

By Mr. HEFLIN (for Mr. UNDERWOOD):

A bill (S. 4661) granting a pension to Marie Doughty Gorgas; to the Committee on Pensions.

PROTECTION OF MATERNITY AND INFANCY.

Mr. FRANCE submitted an amendment intended to be proposed by him to the bill (S. 3259) for the public protection of

maternity and infancy and providing a method of cooperation between the Government of the United States and the several States, which was ordered to lie on the table and to be printed, as follows:

Strike out section 15 and insert in lieu thereof the following:

"Sec. 15. That the Secretary of Labor shall include in his annual report to Congress a full account of the administration of this act and of the expenditures of the moneys herein authorized."

HOUSE BILL REFERRED.

The bill (H. R. 13402) for the purchase of land occupied by experiment vineyards near Fresno and Oakville, Calif., was read twice by its title and referred to the Committee on Agriculture and Forestry.

THE CALENDAR.

The VICE PRESIDENT (at 12 o'clock and 15 minutes p. m.). Is there any further morning business? If not, morning business is closed.

Mr. SMOOT and Mr. CALDER addressed the Chair.

The VICE PRESIDENT. The Senator from Utah.

Mr. SMOOT. I ask unanimous consent that we may proceed to the consideration of the calendar under Rule VIII, beginning at Order of Business No. 198, the point reached when the calendar was last under consideration under Rule VIII.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah?

Mr. CALDER. I have no objection to that, Mr. President.

The VICE PRESIDENT. In the absence of objection, unanimous consent is granted to proceed with the consideration of the calendar at the point indicated.

Mr. CALDER. Mr. President, I move that the Senate take up for consideration Senate resolution 392, amending Senate resolution agreed to April 17, 1920, authorizing the appointment of a committee to inquire into the general building situation.

Mr. FLETCHER. I suggest that that motion is out of order. We have just entered into a unanimous-consent agreement to take up the calendar. The resolution referred to by the Senator from New York may be considered when it is reached on the calendar.

The VICE PRESIDENT. The Chair just inquired if there was any objection to the request for unanimous consent, and the Senator from New York said that he had no objection. The Chair will have to rule him out of order.

Mr. CALDER. Very well.

BILLS AND JOINT RESOLUTION PASSED OVER ON THE CALENDAR.

The bill (S. 2785) to provide aid from the United States for the several States in prevention and control of drug addiction and the care and treatment of drug addicts, and for other purposes, was announced as first in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. Being objected to, the bill will go over.

The joint resolution (S. J. Res. 51) directing the Court of Claims to investigate claims for damages growing out of the riot of United States negro soldiers at Houston, Tex., was announced as next in order.

Mr. SMOOT. Let that joint resolution go over.

The VICE PRESIDENT. The joint resolution will go over. The bill (S. 2672) to carry into effect the findings of the Court of Claims in favor of Elizabeth White, administratrix of the estate of Samuel N. White, deceased, was announced as next in order.

Mr. SMOOT and Mr. KING asked that the bill go over.

The VICE PRESIDENT. The bill will go over.

JOHN H. RHEINLANDER.

The bill (S. 1302) for the relief of John H. Rheinlander was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment, on page 1, line 4, after the words "sum of," to strike out "\$3,000" and insert "\$1,200," so as to make the bill read:

Be it enacted, etc., That there be paid, out of any money in the Treasury not otherwise appropriated, the sum of \$1,200 to John H. Rheinlander, of St. Louis, Mo., to compensate him in full for all claims he may have against the United States arising out of injuries received by him while in the Government employ in the Quartermaster's Department, United States Army, at St. Louis, Mo., in February, 1883.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND RESOLUTION PASSED OVER.

The bill (S. 2444) to create the commission on rural and urban home settlement was announced as next in order.

Mr. SMOOT and Mr. KING asked that the bill go over.

The VICE PRESIDENT. Being objected to, the bill will go over.

The bill (S. 3201) fixing the salary of the district attorney for the eastern district of New York was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 3224) relating to the creation in the Army of the United States of the grade of lieutenant general was announced as next in order.

Mr. KING. Mr. President, I should like to ask some member of the Military Affairs Committee if, in view of the reorganization of the Army which has taken place, there is any necessity for the passage of this bill? I do not know its relation to the legislation which recently was enacted dealing with the question of Army reorganization. In the absence of any explanation, I ask that the bill may go over until the chairman of the Committee on Military Affairs comes in.

The VICE PRESIDENT. The resolution will go over.

The resolution (S. Res. 215) providing that whenever the United States becomes a member of the League of Nations this Government should present to the council or the assembly of the league the state of affairs in Ireland and the right of its people to self-government was announced as next in order.

Mr. STERLING. Let that go over.

The VICE PRESIDENT. The resolution will go over.

The bill (S. 3090) to repeal the espionage act was announced as next in order.

Mr. NELSON. I ask that that bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 848) to reimburse Isaiah Stephens, postmaster at McMechen, Marshall County, W. Va., for money and postage stamps stolen was announced as next in order.

Mr. KING and Mr. SMOOT asked that the bill go over.

The VICE PRESIDENT. Being objected to, the bill will go over.

The bill (S. 3109) to amend section 26 of the act approved July 17, 1916, known as the Federal farm-loan act was announced as next in order.

Mr. STERLING and Mr. FLETCHER asked that bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 1455) for the relief of John L. O'Mara was announced as next in order.

Mr. KING. I ask that that bill go over.

The VICE PRESIDENT. Being objected to, the bill will go over.

The bill (S. 2954) to remove the charge of desertion from the military record of Albert S. Smith, deceased, was announced as next in order.

Mr. OVERMAN. Let that bill go over.

The VICE PRESIDENT. Being objected to, the bill goes over.

The bill (S. 3152) for the relief of George W. Mellinger was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 1453) for the relief of Adolph F. Hitchler was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (H. R. 1713) authorizing and directing the Secretary of War to appoint a commission to investigate and report upon the available sources of water supply for the District of Columbia was announced as next in order.

Mr. KING. My recollection is that under some other resolution the proposed investigation has been made. In the absence of some Senator who is more familiar with the subject than am I, I will ask that the bill go over.

The VICE PRESIDENT. The bill will go over.

ADDITIONAL MONEYS FOR RECLAMATION FUND.

The bill (S. 2822) making available additional moneys for the reclamation fund, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Irrigation and Reclamation of Arid Lands with amendments. The first amendment was, in section 1, page 1, line 4, after the word "or," to insert "heretofore," so as to make the section read:

That for the purpose of carrying on and completing irrigation projects and units thereof heretofore begun or heretofore surveyed, estimated for and approved but not begun for lack of funds, and for the investi-

gation, commencement, and completion of such new projects as may be deemed feasible and desirable to undertake, and that can be completed within the limit of the reclamation fund as increased by the amount herein provided, there is hereby authorized to be appropriated and placed in the reclamation fund, from time to time as estimates are submitted therefor, the sum of \$250,000,000 to be expended under the terms and conditions of the act commonly known as the reclamation act and acts amendatory thereof, and to be repaid as is by said act and amendments thereto provided.

The amendment was agreed to.

Mr. SMOOT. I ask that the bill go over.

The VICE PRESIDENT. Being objected to, the bill goes over.

BILLS AND JOINT RESOLUTION PASSED OVER.

The joint resolution (S. J. Res. 139) repealing the joint resolution of April 6, 1917, declaring a state of war to exist between the United States and Germany was announced as next in order.

Mr. OVERMAN. Let that joint resolution go over.

The VICE PRESIDENT. Being objected to, the joint resolution goes over.

The bill (S. 3395) to discontinue the improvement to provide a channel extending from the sea to the Charleston Navy Yard was announced as next in order.

Mr. SMITH of South Carolina. Let that bill go over.

The VICE PRESIDENT. Being objected to, the bill goes over.

The bill (S. 3396) to discontinue the construction of a dry dock at the navy yard, Charleston, S. C., was announced as next in order.

Mr. SMITH of South Carolina. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

Mr. BALL. I move that the Senate proceed to the consideration of Senate bill 3396, or I will ask unanimous consent that that be done.

Mr. SMOOT. I ask the Senator from Delaware if he will not defer making any motion to take up any particular bill and allow the unanimous-consent agreement for the consideration of the calendar to be carried out, and let us go through the calendar.

The VICE PRESIDENT. The Chair is going to hold that the unanimous-consent agreement has to be carried out or that it will have to be set aside by unanimous consent.

BILL PASSED OVER.

The bill (S. 310) for the relief of John Murphy was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

COMPENSATION OF CERTAIN GOVERNMENT EMPLOYEES.

The bill (H. R. 5726) to fix the compensation of certain employees of the United States was announced as next in order.

Mr. KING. I ask that that bill go over.

Mr. JOHNSON of California. The bill the title of which has just been stated is pending, I think, on a motion to reconsider made by the Senator from Colorado [Mr. THOMAS]. May I inquire of the Senator from Colorado whether he desires to press that particular motion?

Mr. THOMAS. I made that motion, Mr. President, because of the absence of certain Senators who had what I conceived to be some very material objections to the bill. Among them was the chairman of the Senate Committee on Appropriations [Mr. WARREN] and, I think, the Senator from Georgia [Mr. SMITH]. When the bill came up for consideration during the last day, or the last day but one of the last session, the Senator from Wyoming stated at some length what the effect of that bill, if passed as it came from the House, would be upon certain lines of employment. The Senator from Iowa [Mr. KENYON], having charge of the bill, stated very frankly that from the information given by the Senator from Wyoming the bill should undergo amendment and be further considered. My participation in the matter ended when the motion to reconsider was carried, and I must refer the Senator therefore to the Senator from Wyoming and to the Senator from Georgia, who are far more familiar with the bill than I am, my action being as I have stated.

Mr. WARREN. Mr. President, I think the bill should go over and await further consideration on account of certain matters which are before the House which will to some extent affect the necessity for the passage of this measure. There are also some matters which will come before the Senate that may necessitate changes in it. I am not so familiar now with the particular points as I was at the time when this measure was under consideration at the last session; but the complaint comes to the Committee on Appropriations, as well as to other committees, that this measure should not be considered until the

question of reclassification is taken up and until the matter of the budget is considered as well; in other words, it seems as if it were somewhat like putting the cart before the horse to pass this bill before we can consider other angles of the situation that are now being considered, in fact, on the House side.

The VICE PRESIDENT. Is there objection?

Mr. KING. Objection has been made.

The VICE PRESIDENT. The bill will be passed over.

BILL AND JOINT RESOLUTION PASSED OVER.

The bill (S. 2292) for the relief of the William Gordon Corporation was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

The joint resolution (S. J. Res. 151) to permit the payment for certain lands whereon Army supply bases are situated was announced as next in order.

Mr. SMOOT. I ask that that joint resolution may be passed over.

The VICE PRESIDENT. The joint resolution will be passed over.

UNITED STATES GRAIN CORPORATION.

The bill (S. 3844) to provide for discontinuing the purchase and sale of grain by the Government, and for other purposes, was announced as next in order.

Mr. GRONNA. Mr. President, when I introduced Senate bill 3844 the Grain Corporation was in existence. That corporation has now been discontinued by virtue of the limitations contained in the act creating it. It was wound up on the 30th day of May, 1920. I therefore ask that the bill be indefinitely postponed in order to get it off the calendar.

The VICE PRESIDENT. Without objection the bill will be indefinitely postponed.

BILLS PASSED OVER.

The bill (S. 3430) fixing the salaries of certain United States attorneys and United States marshals was announced as next in order.

Mr. KING. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 8078) to regulate the importation of coal-tar products, to promote the establishment of the manufacture thereof in the United States, and, as incident thereto, to amend the act of September 8, 1916, entitled "An act to increase the revenue, and for other purposes," was announced as next in order.

Mr. THOMAS. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3944) to create a Federal live-stock commission, to define its powers and duties, and to stimulate the production, sale, and distribution of live stock and live-stock products, and for other purposes, was announced as next in order.

Mr. SMOOT. Mr. President, a time has been fixed for a vote on that bill, and I ask that it go over.

The VICE PRESIDENT. The bill will be passed over.

SHIPS ACQUIRED FROM GERMANY.

The bill (S. 3928) relating to the ships acquired from Germany, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Mr. President, that bill should be indefinitely postponed, the matter having already been dealt with in the merchant marine act. I therefore move that the bill be indefinitely postponed.

The motion was agreed to.

BILLS PASSED OVER.

The bill (H. R. 1853) to reimburse E. T. Thing and S. A. Thing for losses and damages sustained by them by the negligent dipping of their cattle by the Bureau of Animal Industry, Department of Agriculture, was announced as next in order.

Mr. SMOOT. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3725) authorizing the Court of Claims to adjudicate the claim of Capt. David McD. Shearer for compensation for the adoption and use and acquisition by the United States Government of his patented inventions was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1391) to add certain lands to the Sequoia National Park, Calif., and to change the name of said park to Roosevelt National Park was announced as next in order.

Mr. KING. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 5218) to provide revenue for the Government and to establish and maintain the production of magnesite ores

and manufactures thereof in the United States was announced as next in order.

Mr. THOMAS. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 7785) to provide revenue for the Government, to establish and maintain in the United States the manufacture of laboratory glassware, laboratory porcelain ware, optical glass, scientific and surgical instruments, was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 10074) to enlarge the jurisdiction of the municipal court of the District of Columbia and to regulate appeals from the judgments of said court, and for other purposes, was announced as next in order.

Mr. WARREN. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 7705) to amend section 339 of the tariff act of October 3, 1913, in respect to the tariff on buttons of steel and pearl, was announced as next in order.

Mr. THOMAS. Let that go over.

Mr. KING. I suggest that that go over, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 4437) to provide revenue for the Government and to promote the production of tungsten ores and manufactures thereof in the United States, was announced as next in order.

Mr. THOMAS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2989) for the relief of Walter I. Whitty was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3139) for the purchase of land adjoining Fort Bliss, Tex., was announced as next in order.

Mr. WARREN. Let that go over, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 10918) to provide revenue and encourage domestic industries by the elimination, through the assessment of special duties, of unfair foreign competition, and for other purposes, was announced as next in order.

Mr. THOMAS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 6238) to provide revenue for the Government and to establish and maintain the production of zinc ores and manufactures thereof in the United States was announced as next in order.

Mr. THOMAS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

ELECTION CONTESTS IN THE SENATE.

The bill (S. 4166) to provide for election contests in the Senate of the United States was announced as next in order.

Mr. SPENCER. Mr. President, this is a bill that provides, may I say, a method for contesting elections in the United States Senate. There is no law upon the question now, because it is only comparatively recently that United States Senators have been elected by the people. The bill follows largely the same procedure that is now in vogue in connection with contests of the election of Members of the House of Representatives. The bill as introduced was presented to the Committee on Privileges and Elections and was sent to a subcommittee, of which the junior Senator from Pennsylvania [Mr. Knox] was the chairman; and this bill, with two or three simple amendments, is the result. If there is no objection, I think some such legislation ought to be put upon the statute books.

Mr. KING. Mr. President, will the Senator permit an inquiry? Has the Senator found that there has been any difficulty in the past if a person desired to contest the alleged successful candidate's election to the Senate of the United States?

Mr. SPENCER. So far as I know, there has been only one contest for the Senate that has ever been presented since Senators were elected by the people, and that is the Ford-Newberry contest, which we are now considering. This bill would have been a great help in that contest if it had been the law.

Mr. KING. Let me suggest to the Senator that under the Constitution the Senate is the judge of the qualifications and the elections of its own members. Does it not have ample power now to determine whether there has been a fraudulent election or a fair election, and whether or not the contesting candidate is entitled to a seat? What is the necessity of additional legislation?

Mr. SPENCER. The same constitutional provision applies to Members of the House of Representatives, and it has always been found desirable there to have some simple method of

procedure, of giving notice and of gathering testimony, in order that it might be presented to the body which, in the last analysis, is the sole judge of the qualifications of its Members.

Mr. POINDEXTER. Mr. President, is this matter under consideration, or has it been objected to? If it has been objected to, I make the point of order that we should proceed to the consideration of the next bill on the Calendar.

The VICE PRESIDENT. There is no objection.

Mr. THOMAS. I understood that it had not been objected to. The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4166) to provide for election contests in the Senate of the United States, which had been reported from the Committee on Privileges and Elections, with amendments.

Mr. KING. Let the bill be read for information.

The Assistant Secretary read the bill, as follows:

Be it enacted, etc., That any person who intends to contest the election of a Member of the United States Senate shall, within 30 days after the result of such election has been determined by the officer or board of officers authorized by law to determine the same, give notice in writing to such Member of such intention, and in such notice shall specify particularly the grounds upon which he intends to rely in the contest.

Sec. 2. That any Member or Member elect of the Senate upon whom such notice is served shall, within 30 days after the service thereof, answer in writing, admitting or denying to the best of his knowledge the facts alleged therein and specifying any grounds upon which he intends to rely in support of the validity of his election; he shall serve a copy of such answer upon the contestant within 30 days after the service of the notice of contest.

Sec. 3. That the time allowed for taking testimony in cases under this act shall not exceed 120 days. Such testimony shall be taken in the following order: The contestant shall be allowed the first 50 days, the Member of the Senate the succeeding 50 days, and the contestant in rebuttal the remaining 20 days.

Sec. 4. That either party desiring to take a deposition under the provisions of this act shall notify the opposite party in writing when and where such deposition will be taken, the names of the witnesses to be examined and their places of residence, and the name of the officer before whom such deposition will be taken. This notice shall be personally served upon the opposite party or upon any agent or attorney authorized by him to take testimony or to cross-examine witnesses in the matter of such contest; but if by the use of reasonable diligence such personal service can not be made, service may be made by leaving a duplicate of the notice at the usual place of abode of the opposite party. The notice shall be served in time to allow the opposite party one day for preparation, exclusive of Sundays, holidays, and the day of service, and sufficient time by the usual route of travel to attend. Testimony in rebuttal may be taken on three days' notice. Testimony may be taken at two or more places at the same time.

Sec. 5. That either party to a contest desiring to obtain testimony respecting such contested election may apply for a subpoena to either of the following officers who may reside within the State in which the election was held:

First. Any judge of any court of the United States.

Second. Any chancellor, judge, or justice of a court of record of any State.

Third. Any commissioner or officer appointed by any judge of any court of the United States or by any chancellor or judge or justice of any court of record of any State, to take such testimony.

Sec. 6. That the officer to whom the application authorized by the preceding section is made shall upon such application issue his writ of subpoena, directed to such witnesses as shall be named to him, requiring their attendance before him, at such time and place named in the subpoena, in order to be examined respecting such election.

Sec. 7. That the parties or their agents or attorneys in any case under this act may take depositions without notice by consent in writing and by written consent may take depositions before any officer authorized in any State to take depositions, and waive proof of the official character of such officer. All such written consents shall be returned with the depositions.

Sec. 8. That each witness shall be served with a subpoena by copy thereof delivered to him or left at his usual place of abode, but no witness shall be required to attend an examination out of the county in which he may reside or in which he may be served with a subpoena, unless at the time of the service of the subpoena he is tendered mileage at the rate of 7 cents per mile going to and returning from the place where such examination is to be held by the shortest route, and \$3 for one day's attendance, or to remain outside of the county in which he lives for more than one day unless for each such day there is tendered to him \$3 for his living expense.

Sec. 9. That any person who, having been summoned as above provided, refuses or neglects to attend and to testify, shall, except in case of sickness or other unavoidable cause, forfeit the sum of \$20, to be recovered with costs in an action of debt, in any court of the United States, by the party at whose instance the subpoena was issued, and shall also be guilty of a misdemeanor and upon conviction shall be punished by fine not exceeding \$100 or imprisonment for not more than six months as the court may direct. All witnesses who attend in obedience to the subpoena or who attend voluntarily at the time and place appointed as provided in this act shall then and there be examined under oath in regard to any matter respecting such contest by either of the parties or their agents, by the officer who issued the subpoena, or, in the case of his absence, by any other officer authorized by the provisions of this act to issue a subpoena, or, in case of his absence, by any officer before whom depositions are to be taken by written consent; that any person who fails to comply with the subpoena issued in pursuance of this act, or in case of the contumacy of any witness appearing for examination under this act, the officer who issued such subpoena or who is conducting such examination may invoke the aid of any United States district court. The court may thereupon order the witness to comply with the requirements of the subpoena or to give evidence touching the matter in evidence, as the case may be, and failure to obey such order may be punished by the court as a contempt thereof.

Sec. 10. That the testimony to be taken by either party shall be confined to the proof or disproof of the facts alleged or denied in the notice and answer provided for in this act.

Sec. 11. That the officer taking the testimony shall cause it to be reduced to writing by competent stenographers or such other person as he may designate and to be signed by the witness unless such signature is expressly waived by the parties to the contest or their attorneys. He may require the production of papers, and any person who refuses or neglects to produce and deliver up any paper or papers in his possession or any certified or sworn copies in the case of official papers pertaining to the election shall be liable to all the penalties prescribed in this act for witnesses who fail or refuse to answer. All papers thus produced and all certified or sworn copies of official papers, together with the testimony of the witnesses, shall be transmitted by the officer taking the same to the Secretary of the Senate.

Sec. 12. That if any witness refuses to sign the testimony which he has given, the officer taking the same shall certify as to the fact and shall also certify as to the correctness of the testimony of such witness.

Sec. 13. That the taking of testimony may be adjourned from day to day or for a longer period, as may be agreed upon by the parties, within the limits provided for in this act.

Sec. 14. That the notice to take depositions, together with the proof or acknowledgment of the service thereof, and the copies of subpoenas which have been served and of the notice of contest and of the answer shall be attached to the depositions and transmitted with them to the Secretary of the Senate.

Sec. 15. That all officers taking testimony under this act, whether by deposition or otherwise, shall, when the taking of the same is completed, and without unnecessary delay, certify and carefully seal and immediately forward the same, by mail or express, to the Secretary of the Senate, Washington, D. C., and shall also indorse upon the envelope containing such deposition or testimony the name of the case in which it was taken, together with the name of the party in whose behalf it was taken, and shall subscribe such indorsement.

The Secretary of the Senate, upon the receipt of such deposition or testimony, shall notify the contestant and the contestee, by registered letter, to appear before him at the Capitol, in person or by attorney at such reasonable time, not exceeding 20 days from the mailing of such letter, as he may specify. Upon the day appointed for such meeting the Secretary shall proceed to open the packages of testimony in the presence of the parties or their attorneys, and such portions of the testimony as the parties or their attorneys may agree to have printed shall be printed by the Public Printer, under the direction of the Secretary. In case of disagreement between the parties as to the printing of any portion of the testimony, the Secretary shall determine whether such portion shall be printed. The Secretary shall prepare a suitable index of such testimony to be printed with the record. The notice of contest and the answer of the Member shall be printed with the record.

If either party, after having been duly notified, fails to attend, by himself or by an attorney, the Secretary shall proceed to open the depositions or other testimony and shall cause such portions thereof to be printed as he shall determine.

The Secretary shall carefully seal up and preserve the portions of the testimony not printed, together with the other portions when returned from the Public Printer, and lay the same before the Committee on Privileges and Elections as soon as practicable. As soon as the testimony is printed, the Secretary shall, upon request thereof, forward by mail two copies thereof to the contestant and to the contestee, and shall notify the contestant to file with the Secretary, within 30 days thereafter, a brief of the facts and the authorities relied on to establish his case. The Secretary shall forward by mail two copies of the contestant's brief to the contestee, with like notice.

Upon receipt of the contestee's brief the Secretary shall forward two copies thereof to the contestant, who may, if he desires, reply to new matter in such brief within 30 days thereafter. All briefs shall be printed at the expense of the parties, respectively, and shall be of like folio as the printed report; and 60 copies thereof shall be filed with the Secretary for the use of the Committee on Privileges and Elections.

Sec. 16. That every witness required by a subpoena to attend an examination under this act shall be entitled to receive 7 cents for each mile necessarily traveled in going to and returning from the place where such examination is to be held by the shortest possible route and \$3 for each day's attendance: *Provided*, That where the testimony is taken at the place of residence of the witness, he shall receive \$1 for each day's attendance.

Sec. 17. That any officer taking testimony or serving any subpoena or notice as provided in this act shall be entitled to receive from the party at whose instance the service was performed such fees as are allowed for similar services in the State where such service is rendered.

Sec. 18. That no Member of the Senate or contestant under this act shall be paid any sum on account of expenses in such contest unless he files with the clerk of the Committee on Privileges and Elections a full and detailed account of his expenses, accompanied by the vouchers and receipt for each item, which account and vouchers shall be sworn to by the party presenting the same.

The first amendment of the Committee on Privileges and Elections was, in section 5, on page 3, line 7, to strike out the parentheses and the word "contested," so as to make the section read:

Sec. 5. That either party to a contest desiring to obtain testimony respecting such election may apply for a subpoena to either of the following officers, who may reside within the State in which the election was held.

The amendment was agreed to.

The next amendment of the committee was, in section 9, page 5, lines 9 and 10, to strike out the words "that any person who fails" and to insert in lieu thereof the words "in case of failure"; on page 5, line 9, to strike out the word "the" and to insert in lieu thereof the article "a"; and on page 5, line 17, to strike out the word "evidence" and to insert in lieu thereof the word "question," so as to make the section read:

Sec. 9. That any person who, having been summoned as above provided, refuses or neglects to attend and to testify, shall, except in case of sickness or other unavoidable cause, forfeit the sum of \$20, to be recovered with costs in an action of debt, in any court of the United States, by the party at whose instance the subpoena was issued, and

shall also be guilty of a misdemeanor and upon conviction shall be punished by fine not exceeding \$100 or imprisonment for not more than six months as the court may direct. All witnesses who attend in obedience to the subpoena or who attend voluntarily at the time and place appointed as provided in this act shall then and there be examined under oath in regard to any matter respecting such contest by either of the parties or their agents, by the officer who issued the subpoena, or, in the case of his absence, by any other officer authorized by the provisions of this act to issue a subpoena, or, in case of his absence, by any officer before whom depositions are to be taken by written consent; in case of failure to comply with a subpoena issued in pursuance of this act, or in case of the contumacy of any witness appearing for examination under this act, the officer who issued such subpoena or who is conducting such examination may invoke the aid of any United States district court. The court may thereupon order the witness to comply with the requirements of the subpoena or to give evidence touching the matter in question, as the case may be, and failure to obey such order may be punished by the court as a contempt thereof.

The amendment was agreed to.

The VICE PRESIDENT. The bill is as in Committee of the Whole and open to further amendment.

Mr. KING. Mr. President, I desire to ask the Senator from Missouri [Mr. SPENCER] what provision is made in the bill for reopening a case in the event of newly discovered evidence. As the bill has been read—and I have attempted to follow it—it seemed to me that when the testimony was all in there was no provision made, in the event of newly discovered evidence, no matter how important, for taking that evidence and presenting it to the Senate.

Mr. SPENCER. The constitutional provision that the Senate is the judge of the qualification and election of its own Members has been so construed in the House under similar bills, that whenever the Committee on Elections in the House desired any additional evidence they took it. There would be nothing in the bill that could prevent it.

Mr. KING. Let me suggest to the Senator that if after the contestant, by the proceedings provided in the bill, has taken his testimony, and the contestee has submitted his testimony, and the testimony has been printed, but before the Senate takes the matter up for consideration either of the parties discovers material evidence which with due diligence could not have been discovered and obtained prior to that time, it does seem to me that the bill is defective in failing to afford some means by which such testimony can be taken. Of course, I appreciate the fact that he could appeal to the Senate or to the committee and ask for an extension of time within which to produce this additional testimony; but there ought to be some provision, because the Senate may not be in session, by which he can obtain that testimony and complete the record before it is finally considered by the Senate.

Mr. SPENCER. I submit, Mr. President, if I may, to the good judgment of the Senator, that there are two answers: First, there ought to be some time, which ought to be as liberal as may be, within which the evidence ought to be concluded. That is true in every case, and it ought to be true in every contest. The bill does provide fully ample time for the taking of any evidence.

In the second place, if, after the evidence was closed, any additional evidence which was relevant or material should be discovered, there would undoubtedly be two ways by which it could be submitted, either by consent of the parties or by the order of the Committee on Privileges and Elections of the Senate when they came to take up the contest. All the rules as to time are subject to the control of the tribunal which tries the case precisely as the Senator knows in a lawsuit we have the statutes which provide when an answer may be filed or when testimony shall be concluded; but the court can extend it, as can the counsel themselves by agreement. That is equally true in a contested-election case. I submit to the Senator that it would be unwise to accord an additional time within which to close a case at the suggestion alone of either party, after ample time has been given.

Mr. KING. Mr. President, of course the answer which the Senator has made is one which would suggest itself quite readily to anyone who thought of the matter, but I do not think the Senator has really answered the inquiry which I made. We are providing here a code for dealing with contested elections in the Senate of the United States. Provision is made for the taking of testimony to be filed, but there is no provision for taking testimony after the case is closed. While we are enacting a general statute, and in detail, providing the procedure to be followed, provision should be made for the taking of testimony that was not discovered by either the contestant or the contestee, and could not have been discovered with reasonable diligence, when the original testimony was obtained.

Of course, the reply of the Senator was the one which I suggested, that undoubtedly the committee, in the exercise of a sound discretion, upon application, could grant additional time and reopen the case for the purpose of permitting either the

contestant or the contestee to obtain additional evidence. But that necessitates a halting of the procedure until the committee meets.

Let me assume a case. The testimony has been taken during a recess of the Senate. All the testimony offered in the first instance by the contestant and contestee is in and is printed. The Senate will not be in session for two or three months. One or the other of the parties discovers additional testimony vital and material in the case. He desires to have it printed as a part of the record, and desires that it shall be considered by the Senate. That can not be done under this bill. He would have to wait until the Senate convenes, wait until the committee was organized, and then address himself to the committee and ask for an order to reopen the case for the purpose of enabling him to obtain the newly discovered evidence.

The committee undoubtedly would reopen the case for the purpose mentioned. I only call attention to the fact that the procedure herein outlined does not cover all the contingencies which may arise, and makes no provision for the condition to which I have just referred, one which, as the Senator knows in his large and extensive practice, is apt to arise in any case.

Mr. SPENCER. Mr. President—

The VICE PRESIDENT. We are proceeding by unanimous-consent agreement under Rule VIII, which authorizes any Senator to speak once and for five minutes and no longer. If the bill is to be passed under Rule VIII, let it be passed; and if it is not, let an objection be made and the bill go over.

Mr. GRONNA. I ask that the bill may go over.

The VICE PRESIDENT. The bill will be passed over.

BILLS PASSED OVER.

The bill (S. 1519) making appropriations for expenses incurred under the treaty of Washington was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3251) granting longevity pay from and including August 5, 1917, to certain officers and enlisted men was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3318) for the relief of Willis B. Cross was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 515) to correct the military record of Charles K. Bond, alias Kimball W. Rollins, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 8038) to amend section 4 of the act approved July 17, 1916, known as the Federal farm loan act, extending its provisions to Porto Rico, was announced as next in order.

Mr. SMOOT. I think that had better go over until the Supreme Court decides the question as to whether the farm loan act itself is constitutional.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4076) to amend section 4404 of the Revised Statutes of the United States as amended by the act approved July 2, 1918, providing that the supervising inspectors of the Steamboat-Inspection Service be included under the classified civil service, was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2903) to provide that robbery of a Federal reserve bank or member bank shall constitute a felony, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 12266) to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended by the act of July 11, 1919, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 974) for the relief of W. T. Dingler was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 4184) for the relief of C. V. Hinkle was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 644) for the relief of Oscar Smith was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 1789) for the relief of Thomas P. Darr was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1313) for the relief of Francis Nicholson was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

SOUTHERN IRON & METAL CO.

The bill (S. 3031) to appropriate \$1,189.35 for the relief of the Southern Iron & Metal Co., Jacksonville, Fla., for salvage material, consisting of submarine cable purchased from the War Department, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,189.35 for the relief of Southern Iron & Metal Co., Jacksonville, Fla., for salvage material consisting of submarine cable sold and delivered at Key West, Fla., to Southern Iron & Metal Co. at the instance of the Director of Purchase and Storage of the War Department, which salvage material was in good faith paid for but was not of the kind and quality represented.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RUDOLPH L. DESDUNES.

The bill (H. R. 7900) for the relief of Rudolph L. Desdunes was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Rudolph L. Desdunes, the sum of \$1,200 as full compensation for the loss of eyesight while in the discharge of his duties as an assistant weigher in the United States customhouse in New Orleans, La.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMBARGO ON SUGAR.

The bill (S. 4420) to prohibit the exportation of sugar, and for other purposes, was announced as next in order.

Mr. SMOOT. Mr. President, if the Senator from Oregon [Mr. McNARY] was in the Chamber, I would move that this bill be indefinitely postponed. We would like very much to get some export market for sugar that is piling up from one end of the United States to the other, and there is no necessity for the proposed legislation. But the Senator being out of the Chamber, I merely ask that the bill may go over.

The VICE PRESIDENT. The bill will be passed over.

INTERFERENCE WITH COMMERCE.

The bill (S. 4204) to prohibit interference with commerce was considered as in Committee of the Whole.

The bill had been reported from the Committee on Interstate Commerce with amendments. The first amendment was, on page 1, line 9, after the word "employed," to insert the words "by any carrier subject to the act to regulate commerce, or amendments thereto," so as to make the section read:

Be it enacted, etc., That whoever with intent to obstruct, delay, hinder, or prevent the movement of commodities in commerce with foreign nations or among the several States shall by word of mouth, or by the presentation, exhibition, or circulation of written or printed words, or otherwise solicit, advise, induce, or persuade, or attempt to induce or persuade any person or persons employed by any carrier subject to the act to regulate commerce, or amendments thereto, in any capacity in the production, care, maintenance, or operation of any means or agency of such commerce to quit such employment shall be guilty of a felony and punished by a fine not exceeding \$10,000, or by imprisonment not exceeding 10 years, or by both such fine and imprisonment.

The amendment was agreed to.

The next amendment was, on page 2, line 14, to strike out the word "for" and insert "not exceeding," so as to make section 2 read:

SEC. 2. That whoever, with intent to obstruct, delay, impede, hinder, or prevent the movement of commodities in commerce with foreign nations or among the several States shall by force or violence, or by threats or menace of any kind, prevent or seek to prevent any person from engaging in employment or from continuing in employment in any capacity in the production, care, maintenance, or operation of any means or agency of such commerce shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding \$15,000, or by imprisonment not exceeding 15 years, or by both such fine and imprisonment.

The amendment was agreed to.

The next amendment was, on page 2, line 23, to strike out "of" and insert "not exceeding," and, on line 24, to strike out "for" and insert "not exceeding," so as to make the section read:

SEC. 3. That whoever, with intent to obstruct, delay, hinder, impede, or prevent the movement of commodities in commerce with foreign nations or among the several States shall injure, disable, or destroy any car, bridge, track, ship, or any other means or agency of such commerce or shall with like intent solicit, advise, induce, or persuade others to do so, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding \$10,000 or by imprisonment not exceeding 10 years, or by both such fine and imprisonment.

The amendments were agreed to.

The next amendment was to add a new section, as follows:

SEC. 4. That it shall be unlawful for two or more persons, being officers, directors, managers, agents, attorneys, or employees of any carrier or carriers subject to the act to regulate commerce as amended, for the purpose of maintaining, adjusting, or settling any dispute, demand, or controversy which, under the provisions of this act, can be submitted for decision to the committee of wages and working conditions or to a regional board of adjustment, to enter into any combination or agreement with the intent substantially to hinder, restrain, or prevent the operation of trains or other facilities of transportation for the movement of commodities or persons in interstate commerce, or in pursuance of any such combination or agreement and with like purpose substantially to hinder, restrain, or prevent the operation of trains or other facilities of transportation for the movement of commodities or persons in interstate commerce; and upon conviction any such person shall be punished by a fine not exceeding \$500 or by imprisonment not exceeding six months, or by both such fine and imprisonment.

The amendment was agreed to.

The next amendment was to add a new section, as follows:

SEC. 5. That nothing in this act shall be taken to deny to any individual the right to quit his employment for any reason.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LA FOLLETTE subsequently said: Mr. President, while I was temporarily absent from the floor I understand the bill (S. 4204) to prohibit interference with commerce was passed without objection in the Senate. I wish to enter a motion to reconsider the vote by which that bill was passed and to have it pending. The bill has not yet been transmitted to the House, I understand.

The PRESIDING OFFICER (Mr. HENDERSON in the chair). The Chair understands it has not. The motion to reconsider will be entered.

Mr. JOHNSON of California subsequently said: While some of us were absent a brief period ago, Mr. President, the bill S. 4204, introduced by the Senator from Washington [Mr. POINDEXTER], I understand was passed, the bill which in ordinary parlance makes it a crime to strike. Some of us are interested in the bill, and I understand from Senators that a motion was made by the Senator from Wisconsin [Mr. LA FOLLETTE] subsequently to reconsider it. I want to be certain of the standing of the matter.

The PRESIDING OFFICER (Mr. OVERMAN in the chair). The bill is on the calendar for reconsideration. There is a motion to reconsider pending.

Mr. POINDEXTER. Mr. President, in order that there may not be any possible misunderstanding about the matter, may I inquire, as I did not understand the Chair quite clearly, whether he said that the bill was reconsidered. My understanding was that there was no action taken.

The PRESIDING OFFICER. No action was taken. A motion was entered to reconsider, and it is on the calendar.

BILLS PASSED OVER.

The bill (S. 4432) to provide for awarding decorations, devices, or insignia to the next of kin of deceased persons who would have been entitled to receive the same, and making it unlawful for anyone other than the person authorized to do so to wear such decoration, device, or insignia, was announced as next in order.

Mr. CHAMBERLAIN. Mr. President, I reported that bill out from the committee, but I would rather have it go over until the Senator from California [Mr. PHILAN] can be here.

The VICE PRESIDENT. It will go over.

The bill (S. 2665) for the relief of Prof. William H. H. Hart, principal of the Hart Farm School and Junior Republic for Dependent Children, to establish Hart University, and to provide for its maintenance and support, was announced as next in order.

Mr. SMOOT. I ask that this bill may go over until we see what is done with the next number on the calendar, which simply refers this bill to the Court of Claims. If the resolution on the calendar is agreed to, then I shall ask for the indefinite postponement of this bill.

The resolution (S. Res. 377) referring to the Court of Claims the bill (S. 2665) for the relief of Prof. William H. H. Hart,

principal of the Hart Farm School and Junior Republic for Dependent Children, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill and resolution will be passed over.

The bill (H. R. 8007) to establish standard weights and measures for the District of Columbia; to define the duties of the superintendent of weights, measures, and markets of the District of Columbia, and for other purposes, was announced as next in order, and the Assistant Secretary proceeded to read the bill.

Mr. KING. I supposed that this was merely a codification of existing law. It seems to create new offices and to increase salaries. I object.

The VICE PRESIDENT. It will go over.

The bill (H. R. 12502) providing for a report on the cost of improving and maintaining the Government boulevard on Missionary Ridge, in the Chickamauga and Chattanooga National Military Park, was announced as next in order.

Mr. SMOOT. Let it go over.

The VICE PRESIDENT. It will go over.

HOSPITAL TREATMENT OF DISEASED ALIEN SEAMEN.

The bill (H. R. 7930) to provide for the treatment in hospital of diseased alien seamen was announced as next in order.

Mr. SMOOT. The Senator reporting the bill is not present.

Mr. KING. Will my colleague permit an interruption?

Mr. SMOOT. Certainly.

Mr. KING. The bill was very fully considered by the Committee on Immigration. At first it seemed to me to be improper legislation, but upon listening to the testimony which was given and the report submitted by the officials of the Government, the committee, as I recall, unanimously reached the conclusion that it is necessary and proper legislation.

Mr. SMOOT. The only object I had in rising at this time was to ask if the present law does not require this same treatment for all alien seamen.

Mr. KING. It does with respect to one character of disease. It is many months since the matter was before the committee, but as I recall now there is one class of ailment or one disease that is not covered by existing law. It is for the purpose of affording the same relief with respect to that class of disease that is afforded with respect to other classes. I am sure it is proper legislation.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Immigration with amendments, in line 11, page 1, to strike out the word "being" and insert the words "to be"; in line 12, after the word "vessel," to insert the words "and not to be deducted from the seamen's wages"; on page 2, in line 3, to strike out the word "however"; in line 3, page 2, strike out the words "in cases" and insert the words "alien seamen suspected of being afflicted with any such disability or disease may be removed from the vessel on which they arrived to an immigration station or other appropriate place for such observation as will enable the examining surgeons definitely to determine whether or not they are so afflicted, all expenses connected therewith to be borne in the manner hereinbefore prescribed," so as to make the bill read:

Be it enacted, etc., That alien seamen found on arrival in ports of the United States to be afflicted with any of the disabilities or diseases mentioned in section 33 of the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," shall be placed in a hospital designated by the immigration official in charge at the port of arrival and treated, all expenses connected therewith, including burial in the event of death, to be borne by the owner, agent, consignee, or master of the vessel, and not to be deducted from the seamen's wages, and no such vessel shall be granted clearance until such expenses are paid or their payment appropriately guaranteed and the collector of customs so notified by the immigration official in charge: *Provided,* That alien seamen suspected of being afflicted with any such disability or disease may be removed from the vessel on which they arrive to an immigration station or other appropriate place for such observation as will enable the examining surgeons definitely to determine whether or not they are so afflicted, all expenses connected therewith to be borne in the manner hereinbefore prescribed: *Provided further,* That in cases in which it shall appear to the satisfaction of the immigration official in charge that it will not be possible within a reasonable time to effect a cure, the return of the alien seamen shall be enforced on or at the expense of the vessel on which they came, upon such conditions as the Commissioner General of Immigration, with the approval of the Secretary of Labor, shall prescribe, to insure that the aliens shall be properly cared for and protected, and that the spread of contagion shall be guarded against.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS PASSED OVER.

The bill (S. 3279) for the public protection of maternity and infancy and providing a method of cooperation between the Government of the United States and the several States, and the bill (S. 4357) to authorize the Secretary of the Treasury to provide medical, surgical, and hospital services and supplies for discharged soldiers, sailors, marines, Army and Navy nurses (male and female), and for other purposes, were next in order on the calendar.

Mr. KING. These two measures, one of which will be under consideration to-day and the other of which will need some amendment and some discussion, I suggest go over.

The VICE PRESIDENT. They will go over.

The resolution (S. Res. 380) referring to the Court of Claims the bill (S. 2673) for the relief of James L. Vai was announced as next in order.

Mr. KING. Let it be read.

The Assistant Secretary read the bill.

Mr. SMOOT. I wish to ask if any Senator present knows what is the nature of the claim. I do not see the chairman of the committee here.

Mr. KING. Then I ask that it go over.

The VICE PRESIDENT. It will go over.

The bill (S. 3483) for the relief of George T. Hamilton was announced as next in order.

Mr. KING. I reserve the right to object after the bill is read.

Mr. SMOOT. I ask that the bill may go over.

The VICE PRESIDENT. It will go over.

The bill (S. 4057) to authorize the Secretary of the Navy to remove the charge of desertion under certain conditions from the records of former members of the naval service, and for other purposes, was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. It will go over.

The bill (S. 4322) for the relief of Philip A. Hertz was announced as next in order.

Mr. KING. That is to relieve a person from the charge of desertion and give him a pension. Let it go over.

The VICE PRESIDENT. It will go over.

LIABILITY OF HOTEL PROPRIETORS.

The bill (H. R. 12887) establishing the liability of hotel proprietors and innkeepers in the District of Columbia was announced as next in order.

Mr. KING. If that bill will lower the prices charged by hotel proprietors, I am very much in favor of it. Let the bill be read.

The bill was read and considered as in Committee of the Whole, as follows:

Be it enacted, etc., That whenever the proprietor of any hotel or inn in the District of Columbia shall provide in such hotel or inn a suitable safe or vault for the safe-keeping of any money, jewelry, or other articles of value, other than wearing apparel, belonging to or in the custody of guests, and shall notify the guests thereof by keeping conspicuously posted in the office and on the inside of the entrance door of the sleeping rooms of said hotel or inn a notice printed in distinct English type, such proprietor shall not be liable for the loss of or injury to any such property by theft or otherwise sustained by any guest unless such guest has offered to deliver the same to such proprietor for custody in such safe or vault and such proprietor has omitted or refused to receive it and deposit it in such safe or vault and to give such guest a receipt therefor: *Provided,* That in no case shall such proprietor be liable for the loss or injury to property so deposited in an amount exceeding the sum of \$500, except by special contract in writing, stating the kind and value of property received, the kind and extent of the liability of said proprietor, and the reasonable consideration to be paid for such safe-keeping, not in excess of the customary insurance charge or premium, and which said contract shall be signed by said guest and said proprietor or his clerk: *Provided further,* That nothing herein contained shall apply to such an amount of money and such jewelry or other articles of value as is usual, common, or prudent for guests to retain in their rooms.

Sec. 2. That whenever the proprietor of any hotel or inn shall keep posted in a conspicuous manner on the inside of the entrance door to the sleeping rooms of said hotel or inn a notice printed in distinct English type requiring the guests occupying said rooms to lock or bolt the door of said room and upon leaving said room to lock the door and deposit the key at the office, the proprietor shall not be liable for any baggage stolen from said room if it shall appear that said room was left by the guest unlocked or unbolted, or that the key was not so deposited at the office at the time of the loss of said baggage, unless the loss is directly or indirectly caused by or attributable to the proprietor or his employee or employees.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BUSINESS PASSED OVER.

The bill (S. 4501) for the relief of certain estates was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (H. R. 1856) for the relief of Arthur J. Burdick was announced as next in order.

Mr. SMOOT. Let that bill go over.

The VICE PRESIDENT. Being objected to, the bill will go over.

The bill (H. R. 9794) for the relief of Wendell Phillips Lodge, No. 365, Knights of Pythias, was announced as next in order.

The Secretary proceeded to read the bill.

Mr. KING. Mr. President, the language of that bill seems to be rather ambiguous, and I suggest that it go over until we can have some explanation of it.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 7567) for the relief of G. T. and W. B. Hastings, partners trading as Hastings Bros., was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 4005) to carry out the findings of the Court of Claims in the case of the Fore River Shipbuilding Co. was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 676) for the relief of Reuben R. Hunter was announced as next in order.

Mr. KING. Let the bill be read.

The VICE PRESIDENT. The bill will be read.

The Assistant Secretary read the bill, which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert the following:

That the United States Employees' Compensation Commission is hereby authorized and directed to award and pay to Reuben R. Hunter, of Deming, N. Mex., who suffered a total and permanent loss of sight in both eyes as a result of voluntarily fighting a forest fire on Government land in the vicinity of Cloudercroft, Otero County, N. Mex., in May, 1904, in an effort to protect valuable standing timber and other property of the United States, compensation at the rate of \$66.67 per month, from September 7, 1916, for the period and in the manner provided by the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, for the payment of compensation for permanent disability of a civil employee resulting from personal injury sustained while engaged in the performance of his duty.

Mr. SMOOT. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 4372) to encourage the establishment of farms and suburban homes by veterans of the World War was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. Being objected to, the bill will go over.

The joint resolution (S. J. Res. 203) authorizing the Secretary of War, in his discretion, to turn over to the county commissioners of Dickinson County, Kans., suitable pontoon equipment for temporary use across the Smoky Hill River at Chapman, Kans., was announced as next in order.

Mr. KING. Let the joint resolution go over.

The VICE PRESIDENT. Being objected to, the joint resolution will go over.

NATIONAL BUDGET SYSTEM.

The bill (H. R. 14441) to provide a national budget system and an independent audit of Government accounts, and for other purposes, was announced as next in order.

Mr. KING. I suggest that that bill may go over.

Mr. SMOOT. Mr. President, it is exactly similar to the bill which heretofore passed the Senate, with the exception of the amendment which was made in the other House to the original bill in order to meet the objection of the President, because of which he vetoed the bill, which had passed both bodies. I will say to the junior Senator from Utah that the amendment that was agreed to in the other House meets the objection of the President, without a doubt.

Mr. KING. Mr. President, the objection made to the budget bill by the President of the United States may have merit, but it occurred to me that the bill as it was passed was not an infringement of the rights of the Executive department; indeed, I think the bill did not go far enough in giving the legislative branch of the Government control over the employees of the Government. Personally, I should be very glad to see the bill become a law as it passed the House and the Senate rather than accede to the amendment made by the House. I suggest to the senior Senator from Utah that the bill ought to go over for the present.

Mr. SMOOT. Of course, I have no objection to that, but I will say to the Senator that there is no need of passing the bill in the shape in which it heretofore passed, because it would meet the same veto at the hands of the President.

Mr. KING. The bill, of course, would fail to become a law unless it should be passed over the veto of the President by a two-thirds vote.

Mr. SMOOT. I agree with my colleague; I do not believe the bill as it originally passed Congress was unconstitutional, and I think the objection which was made to it by the President was merely technical. However, the President is still in the White House; this bill, if passed, will be again sent to him and, of course, he would again veto it if it contained a similar provision.

Mr. KING. Mr. President, I prefer that the bill go over in order to see if we can hereafter get a two-thirds majority in its favor. I should be willing to pass it over the President's veto; but if that can not be done, it may be well to let the bill go over to the next Congress, when we may then strengthen the bill.

The VICE PRESIDENT. Being objected to, the bill will be passed over.

AMENDMENT OF TRANSPORTATION ACT OF 1920.

The bill (S. 4526) to amend section 501 of the transportation act, 1920, was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That section 501 of the transportation act, 1920, be amended to read as follows:

"SEC. 501. The effective date on and after which the provisions of section 10 of the act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914, shall become and be effective is hereby deferred and extended to January 1, 1922: *Provided,* That such extension shall not apply in the case of any corporation organized after January 12, 1918."

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FORT DE RUSSY MILITARY RESERVATION, HAWAII.

The bill (S. 4572) granting to the city and county of Honolulu, Territory of Hawaii, a right of way over and across the Fort De Russy Military Reservation for the purpose of extending its sewer system was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That there be, and there hereby is, granted to the city and county of Honolulu, Territory of Hawaii, subject to the conditions named in section 2 of this act, a right of way over and across the Fort De Russy Military Reservation in said Territory for the purpose of constructing an extension of its sewer system, including a booster station in connection therewith, and of maintaining and operating the same, said right of way to include a strip of land 12 feet in width and approximately 1,420 feet in length, and in addition thereto a contiguous area of approximately 800 square feet for the erection, maintenance, and operation of said booster station.

SEC. 2. That the grant made in section 1 of this act is upon the condition that said sewer and booster station shall be placed underground; that the United States shall have the right at any and all times to connect with said sewer at such place and places as it shall deem desirable and to use the same for purposes of drainage and sewage disposal from said reservation; and that the construction of said sewer and booster station upon the right of way herein granted shall be along such route and upon such site and in accordance with such plans and specifications as shall have been previously approved by the Secretary of War.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FORT JACKSON, NEW DEPTFORD, GA.

The resolution (S. J. Res. 172) authorizing and directing the Secretary of War to sell a certain parcel of land known as Fort Jackson, at New Deptford, on the Savannah River, Ga., was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Military Affairs with an amendment on page 1, line 4, after the word "advertisement," to strike out "or private sale, as in his judgment may best subserve the interests of the United States," and insert "public sale," so as to make the joint resolution read:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized and directed to sell for cash, by advertisement and public sale, and to make the required conveyances, of all the right, title, and interest of the United States in and to that certain parcel of land occupied by Fort Jackson, formerly known as wharf lot No. 12, situate at New Deptford on Savannah River, east of the city of Savannah, Ga., described as follows: Beginning at a point A on the outside wall of the moat surrounding the fort and adjacent to the river; thence south 37° 13' 7" east, 75 feet to point No. 1, which point No. 1 bears south 53° 14' 44" east, 14½ feet from harbor reference point No. S2, which reference point is in concrete monument with a copper bolt in center buried in the center of wall surrounding the moat of Fort Jackson; thence south 37° 13' 7" east, 258 feet to point No. 2; thence north 52° 46' 52" east, 200 feet to point No. 3; thence north 37° 13' 7" west, 194 feet to point No. 4; thence north 37° 13' 7" west, 90 feet to point B, which point is on the outside wall surrounding the moat of Fort Jackson and adjacent to the river; thence along the outside wall of the moat surrounding the fort on the river side of the same to point A, which is the point of beginning;

containing 1½ acres; all as shown by a map made under the direction of Lieut. Col. F. W. Alstetter, Corps of Engineers, on March 6 and 7, 1920, filed in United States Engineer office, Savannah, Ga., and indexed D. P. 1-16.

The joint resolution was reported to the Senate as amended and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

REPORT ON HOUSING CONDITIONS.

The resolution (S. Res. 392) amending Senate resolution agreed to April 17, 1920, authorizing the chairman of the committee to inquire into the general building situation, was announced as next in order.

Mr. KING. Mr. President, I ask that the resolution be read.

The resolution (S. Res. 392) which had been reported by Mr. CALDER from the Committee to Audit and Control the Contingent Expenses of the Senate on the 14th instant was read, as follows:

Resolved, That the resolution of the Senate No. 350, agreed to April 17, 1920, authorizing a special committee of the Senate to investigate the existing situation in relation to the general construction of houses, manufacturing establishments, and buildings, and the effect thereof upon other industries and upon the public welfare, be, and the same is hereby, amended to empower said special committee to employ counsel, to be paid from the contingent fund of the Senate.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. OVERMAN. I ask that the resolution go over.

Mr. THOMAS. Mr. President, I think, inasmuch as the Senator from New York [Mr. CALDER] is very much concerned about this measure and attempted to get it before the Senate a little while ago, that we ought not to dispose of it so hastily. I am not in favor, as a general proposition, of investigating committees, because they accomplish comparatively little and promote the tendency to investigate everything, well founded or otherwise, to which the attention of some individual Senator be called; but the purpose of the Senator from New York in asking for this amendment to the original resolution, I think, is prompted by and is certainly justified by the disclosures which have been made by the New York legislative investigating committee under the direction of Mr. Samuel Untermyer.

This committee has disclosed the existence of one or two ironclad combinations or conspiracies against trade and against social and economic conditions that may surprise some, but which seem to me to be the direct outgrowth of the tendencies of the times. The remarkable and startling fact disclosed by that committee is the fact that this combination is not peculiar to New York. There seems to be, in every city sufficiently large to justify it, a similar coalition between a few owners of certain classes of material, a few building concerns, and a few labor unions, and the combination enables the beneficiaries of it to work their will in every community where they exist, to dictate prices, to determine who shall and who shall not receive contracts and at what figure, to declare strikes, to create at any time differences between employee and employer, and to levy blackmail by the hundreds of thousands of dollars.

Yesterday the committee had before it Mr. Grace, the president of the Bethlehem Steel Co. He was called before the committee because the day before two of the great contracting firms of the country, speaking through their principal officers, testified that they were unable to purchase any structural steel from the steel manufacturers of the country because the concerns represented in another combination had determined to refuse to sell structural steel to any concern which did not operate what is called the open shop.

Now, I am an open-shop man. I believe in it thoroughly, and must believe in it as long as I believe in equality of opportunity in a country like this. But a combination of steel producers which proposes to dictate to purchasers what course they shall pursue with regard to employment, and to refuse to supply material, at whatever cost, to those who will not comply with its requirements is quite as vicious and wholly as indefensible as any combination I ever heard of.

I have reason to believe that in my city, having a population of less than 275,000 people, materials and contracts and labor are also united for the purpose of dominating the building trade; and I am fully satisfied that if this committee, headed by the Senator from New York [Mr. CALDER], is given authority to investigate, it will bring these things to the attention of the public, and thereby set in operation the machinery of the courts of justice and punish this system of profiteering, which is little short of infamous; because housing conditions everywhere are not up to the demands for shelter, and the one justification which the landlords of the country can now have lies in the fact that they must pay an enormous excess price in the shape of blackmail for every brick that is laid, every

column of steel that is erected, and every barrel of cement that is used in construction.

Generally speaking, I do not favor the selection of outside counsel to conduct proceedings for a senatorial committee; but it is clear that the splendid work of the legislative committee now sitting in New York is largely due to the excellence and the ability of their counsel, just as the insurance investigation became successful through the splendid exertions and talent of Charles E. Hughes. These combinations will have plenty of counsel, and good counsel; and to turn our committee loose upon this investigation without giving them authority to employ competent counsel to conduct the investigation, and to cross-examine these conspirators and scoundrels—for that is what they are—would, in all probability, lead to comparatively small results.

I do not know whom the committee have in view. I do not care. He may be a Republican or he may be a Democrat. The chances are that there are no Democratic lawyers to speak of since the election of November; but whoever he may be, he should be a most excellent, competent, and experienced man, and here is an instance in which we can expend money wisely. It will not take a great deal, comparatively, for public opinion will be aroused by the facts that they will disclose—and I know they will disclose them. I should like to see Mr. Untermyer selected, to be perfectly frank about it, because of his experience and the success which has attended his efforts as the counsel for this committee in New York City.

The desire, therefore, of the Senator from New York [Mr. CALDER]—and I wish he were here—

Mr. KENYON. Mr. President, I will say that the Senator from New York was compelled to leave the city at 1 o'clock. He asked me, as a fellow member of the committee, to bring this matter before the Senate.

Mr. THOMAS. If I had known that, I should not have taken up the time of the Senate.

Mr. KENYON. No; the Senator has done it much better than I could do it.

Mr. THOMAS. The Senator from Iowa is on the committee, and he has been connected with its work of investigation up to this time, and consequently he must be more familiar with the details that I can be; but I think at this time, when we are exempting certain associations from the operation of general law, we ought to investigate what some of the fellows who are not yet exempted have been doing and will continue to do. I want to see the producers of steel in this country compelled to sell their material to anybody who will buy it at the market price. It is none of their business whom the contractors employ for the purpose of construction and of use of that material. I want to see these scoundrels who call themselves contractors and material men and union labor men who conspire and combine for the purpose of holding up honest property holders and honest builders brought to book by the States where they operate and by the Nation, if it can be done through the exercise of our powers over interstate commerce, and the fundamental basis of it is this investigation; and it can not be done too quickly, because people are suffering for shelter and winter is here.

Mr. KENYON. Mr. President, I should like to get a little advice from the Senator that may be valuable as we proceed with the investigation. I should like to have the Senator's idea as to how the steel people, for instance, can be compelled to sell steel to any particular persons.

Mr. THOMAS. I do not know.

Mr. KENYON. I thought perhaps the Senator had some ideas on that subject.

Mr. THOMAS. I do not know. I know that the Supreme Court of the United States has held frequently that whenever a concern grows so large as to affect the public and affect it seriously it is charged with a public interest.

Mr. KENYON. That is exactly what I have been contending for the last week or two as to the packers, and I have not been able to get very much support.

Mr. THOMAS. I know the Senator has, and he is absolutely right; but I say that if the packers' combination is to be disciplined by statute, then, a fortiori, combinations like the one that the Senator from New York proposes to run to earth should not only be disciplined but be disciplined severely and punished for the violation of these laws, because they are criminals at common law, which is the best law in the world—a good deal better than 99 per cent of the statutes that have been passed to interfere with its processes and to destroy or undermine its principles. Men who at common law conspire to injure the public in this way can be indicted, and if found guilty, can be punished and punished severely, and ought to be; but, unfortunately, in these days men seem to be able to do these

things with impunity by applying the good old principle of protection as we have applied it so much and so often to their own affairs and to their own combinations.

Mr. KING. Mr. President, I was interested in the statement of the Senator that at common law the classes of people or combinations to whom the Senator has referred could be punished, and I deduce from his observations that they could be punished now under the common law.

Mr. THOMAS. Why, certainly.

Mr. KING. I desire to ask the Senator whether or not we have any Federal penal statute covering the subject, because we have no penal Federal common law?

Mr. THOMAS. I am not talking about Federal punishment. There is no common law that applies to the Nation.

Mr. KING. That is what I had in mind.

Mr. THOMAS. But each of these combinations in the State where it is organized or where it is operating violates the common law of that State.

Mr. KING. Oh, absolutely; but the conduct of many of the States would lead one to believe that they are paralyzed or atrophied or are under the control of corporations and trusts and conspiracies to destroy competition, because the criminal laws upon their books, which would reach these criminal organizations, are not invoked, and the scoundrels controlling such organizations continue their nefarious acts with impunity, to the injury of their people.

Mr. THOMAS. Why, Mr. President, every monopoly that has vexed the people has been the outgrowth of a neglect to enforce the State laws where it was created or of State laws that have been passed for the purpose of creating it; and the corporation laws of New Jersey and Delaware, enacted for the purpose of procuring revenue, have invited every scoundrel, every adventurer, every speculator, every man who is willing to take a chance, to go to those States and incorporate his company, because they practically exempt him and his officers from all responsibility, on the one hand, while endowing them with authority to take their charter on the other, and invade any or all the other States of the Union and there practice their nefarious business.

I do not mean to imply that that is the only result of the statutes of those States, because they are utilized by good men and by honest corporations and by legitimate business perhaps to a greater degree, but the fact that liberal laws, as they are called, are passed under the operation of which any scheme, however nefarious, may find shelter, justifies my contention that in their genesis all of these violations of the rights of consumers and of producers, all of these levies of blackmail—for that is what they are—upon the property holders and producing energies of the country are due either to State laws or to the permissive conduct of State officials.

Our efforts to control them, in my judgment, will only be successful when we require all corporations engaged in interstate commerce either to incorporate or to secure licenses from the Federal Government, if the Federal Government is ultimately to become, as now seems probable, the one authority to deal with them, to correct them or to punish them. I am not in favor of that unless it be absolutely essential, but I am strongly impressed with the absolute need of this investigation, and the need also for its being conducted under the auspices of some lawyer of high reputation and great experience, having the power to wring from the breasts of these conspirators the secrets of which the people have been so long ignorant, and unless that is done the investigation is apt to prove abortive.

Mr. OVERMAN. Mr. President, I withdraw my objection. I offer this amendment, however: After the words "shall employ counsel," I move that there be inserted the words "at a sum not exceeding \$5,000."

Mr. KENYON. Mr. President, I think there will be no objection to accepting that amendment. I know I feel, as a good many other Senators do, that the fees which are paid special counsel are entirely too high in most cases, and I believe we can get along on this committee with that limitation. We care more for some counsel who will work than for one who may have a great reputation.

I believe, Mr. President, that this committee, under the chairmanship of the Senator from New York [Mr. CALDER], is doing real work. It is one of the few committees that is engaged in constructive work, not after somebody, and not destructive in its tendencies. We already have a great many leads along various lines of profiteering and plundering and propose to follow them out, no matter whom it hits or how it hurts.

The situation in New York, as developed by the committee of the State legislature over there, has been such as to shock the conscience of all citizens who have read the proceedings of that committee. They can not extend their work beyond the

State. I have no authority to state that our committee will cooperate with them in any way, but we shall try to see whether the same plan of blackmail that has gone on in New York has been carried into the other States, and resulted, through this building trust, in preventing the building of homes. That is the purpose of this committee. We are all too busy to do all of this work ourselves, and that has led us to ask for counsel, and as far as I am concerned, as far as I have the power, we will accept the amendment of the Senator from North Carolina [Mr. OVERMAN] limiting the amount to be spent for counsel fees under the resolution to \$5,000.

Mr. SMITH of Arizona. How long does the Senator think it will take to finish the investigation? Five thousand dollars might not be adequate compensation at all, or it might be overpay.

Mr. KENYON. I think that will have to be left to the committee. If it will not carry it through, we shall have to do more ourselves. I think a couple of months will be sufficient, if we can get down to work, with our other duties.

Mr. SMITH of Arizona. We have had experience with this kind of an investigation, and it is not easy to get competent counsel, as the Senator knows. Special men, especially qualified, are usually pretty hard to get.

Mr. KENYON. I know, but I think we pay too much for reputation oftentimes.

Mr. SMITH of Arizona. That is true.

Mr. KING. Mr. President, when the resolution creating the committee to investigate building conditions in the United States was under consideration by the Senate, I expressed, as I now recall, some dubiety as to the efficacy of any investigation which would be made by the committee, and also expressed some doubt as to the propriety of creating the committee, as well as the authority of Congress to make investigations into purely local and domestic concerns. The committee, however, seems to have elaborated its purposes and to have entered upon a rather comprehensive investigation, one which involves alleged infractions of the Sherman antitrust law, if not other penal or quasi penal Federal statutes. I have sometimes felt that committees appointed by Congress have served no useful purposes, and that their investigations brought no reforms, or suggested remedial legislation.

There is too much of an inclination upon the part of the Federal Government, or, at least, upon the part of officials of the Federal Government, to inquire into the activities of individuals and of States and to investigate matters with which the Federal Government has no concern. I have been led to believe that Congress has encouraged the development of a disposition upon the part of too many of our people to come to Congress with complaints which relate to local and domestic affairs, and can not, by the wildest stretch of imagination, be construed to be within the purview of the General Government. Hysterical people are constantly knocking at the doors of Congress asking for investigation of matters which have no relation to political, economic, or industrial affairs—indeed, which call for no investigation. If fancied evils exist, an immediate demand is made by one or more for congressional investigation. Thousands and tens of thousands of pages of testimony are taken by committees of both the House and the Senate which no one ever reads and which contain no valuable or important information.

The welfare of the people would be best subserved if the press and men of influence and standing in the various local communities would preach sound individualism and inculcate the view that the vast majority of our problems are individual or local and can be solved only by the people themselves. This constant invocation of Federal interposition in the domestic affairs of the people and of the States is enervating, and can only result in weakening the moral fiber of the people and those splendid qualities and virtues upon which free government and civilization must rest. Instead of weakening and demoralizing the States, the citizens living therein should seek to have them maintain their proud eminence and that primacy which, under our form of government, is their mission.

But, returning to the matter before us. I confess to an agreeable surprise with respect to the work of this committee. I believe that it is in the way of doing some substantial service to the country. The recent investigations of the so-called "Lockwood committee" in the State of New York have revealed a condition so shocking as to call for correction. Mr. Samuel Untermyer is doing most excellent service in connection with the work of the Lockwood committee. The investigations of this committee furnish incontrovertible evidence of the existence of corrupt combinations and criminal conspiracies aimed at the destruction of competition and the plundering of the people. I do not recall that in the revelations as to the existence of trusts

and monopolies in the United States a more sordid page has been presented than that brought to our attention by the Lockwood committee. Contractors, builders, labor-union leaders—all have joined in criminal and wicked conspiracies to rob the public and to hamper building activities, notwithstanding the fact that thousands of homeless people were subjected to continued hardships as a result of these wicked machinations and corrupt and criminal combinations. It has been shown that the dealers in lumber and in all forms of building material have built up the most gigantic and oppressive monopolies and have resorted to the most cowardly and wicked schemes and practices to enhance their profits and to plunder the public.

There are still cells in the penitentiaries unoccupied. These men who have engaged in these conspiracies and have violated not only every rule of honor and decency but the plain letter of criminal statutes should speedily be sent to fill them.

As I understand, the Senate subcommittee, of which the Senator from New York [Mr. CALDER] is chairman, expects to investigate organizations whose operations are interstate in character, which have, perhaps, followed the wicked practices of the builders and organizations which have been under investigation by the Lockwood committee, and also corporations and organizations, interstate in character, which have combined and conspired to create monopolies in restraint of trade and commerce or to destroy competition in interstate commerce. There are increasing evidences that combinations in restraint of trade and conspiracies in aid of monopolies and organizations and combinations for the purpose of stifling and destroying competition are in existence in all parts of our country. During the war many combinations were formed which, in my opinion, violated the Sherman antitrust law. We became so used to co-operation and combination that, following the armistice, organizations and combinations were either perpetuated or new ones formed which were criminal in character and oppressive in their activities. In a most flagrant and brazen manner monopolies have operated and conspiracies in restraint of trade have functioned.

The recent position of the Supreme Court of the United States in the Steel Trust case seems to devitalize the Sherman antitrust law, or at least to reduce it to a rather anemic and flaccid pronouncement. That decision, in my opinion, will encourage the growth of monopolies and stimulate still further combinations in restraint of trade and conspiracies to lessen, if not destroy, competition. This is to be regretted. The competitive system, notwithstanding its disadvantages and weaknesses, and notwithstanding the waste and inefficiency which inevitably flows therefrom, has brought our Nation to the heights of economic growth and industrial prosperity. But there can not be competition if trusts and monopolies are permitted unrestrained action and combinations to destroy competition are afforded a free and unrestricted field of operation. The American people, in my opinion, desire the maintenance of the competitive system in our economic and industrial life. They desire a free and fair field for those who engage in industry. They do not desire special privileges or advantages or preferences.

Of course, there are some who not only desire special advantages and privileges, but who would deliberately strive to obtain them. To this class belong those who would use the Government for private ends. To this class belong the criminals who have been unmasked by the Lockwood committee.

Even the most casual investigation of the evils resulting from combinations and conspiracies in restraint of trade and commerce reveals the lamentable fact that the States have been derelict in the performance of their duties. I conceive it to be the duty of the sovereign States to exercise their undoubted power to deal with combinations and conspiracies and monopolies intrastate in character. Many of the criminal organizations of the character under discussion operate within the States; that is, their operations are circumscribed by the boundaries of the States within which they are created. They are amenable to State law, and there is no reason why the States should not enact comprehensive laws dealing with these criminal organizations. The people of the States should be protected by the States. The indifference of the States to deal in an effective way with this manifest evil compels the most serious reflection. Are the States to abdicate their powers and conventions and to shirk their responsibilities which rest upon them? The States are the citadels of the liberties of the people. Their maintenance unimpaired is essential to the preservation of our Government, and in that form which is indispensable to the happiness, progress, and prosperity of the people.

It would be a tragedy, almost unexampled in history, if the States of this Union were to become atrophied, and by their indifference to their prerogatives and duties lead the people to

make demands for Federal usurpations and the assertion by the Federal Government of unauthorized and of unrestricted power. The States should immediately, if their laws are inadequate to deal with these criminal organizations, enact broad and comprehensive ones; and where they have statutes under which trusts and monopolies and conspiracies to restrain trade and stifle competition can be prevented, they should be vigorously enforced and stern justice meted out to all malefactors. But, of course, there is a field in which the Federal Government may not only act with propriety, but within which the duty rests upon it to exercise its undoubted authority.

The Sherman antitrust law was enacted to reach combinations and monopolies and conspiracies in restraint of trade, which were not amenable to State statutes. It would seem that this statute, as interpreted by the Supreme Court of the United States, does not reach all who offend against good morals and who engage in practices which result in monopolies and lessen competition. The investigation which is being conducted by the subcommittee of the Senate may obtain information that will call for additional legislation, or may obtain facts which will further inform Congress, and in the light of which the Sherman antitrust law may be strengthened. I am therefore willing to continue this committee and to give it proper aid so that it may investigate the activities of corporations and individuals engaged in interstate commerce, with a view to determining whether they are violating any existing law or indulging in practices which are against good morals and which should be denounced by an appropriate act upon the part of the General Government. Let me say, Mr. President, that it is very important that organizations and combinations engaged in interstate commerce shall not be permitted to create monopolies or interfere with legitimate trade and commerce, or destroy competition or indulge in practices inimical to the best interests of the public. We desire interstate trade and commerce. We desire the development of the resources of our great Republic. We want the agriculturist to be prosperous. It is important that those engaged in manufacturing pursuits shall enjoy prosperity. Additional railroads are required. Additional factories must be built, and in a thousand fields of human endeavor the virile and energetic pushing American must have full and fair opportunity for endeavor and to win the prize of success, and in order that these results may be realized, the sinister forms of monopolies and trusts and combinations to restrain trade and destroy competition must not be permitted to arise. I desire to preserve the competitive system. I am opposed to governmental control of the private activities of the people. I should regret to see the Federal Government take charge of all interstate commerce, require licenses of all corporations and individuals so engaged, and control the business of our country through the medium of Federal commissions, agencies, bureaus, and an army of agents and employees.

The Senator from Iowa [Mr. KENYON] has just referred to the packers bill, and he is demanding that the packing industries of our country should be placed under Federal control. I have received communications urging that the canneries, the elevators, the smelters, as well as other industries and business enterprises be required to obtain Federal licenses and be subjected to the regulation and control of the Federal Government. If the day shall ever come when our business activities must be conducted under the surveillance and control and regulation of a Federal bureaucracy, then, in my opinion, America's progress in the economic world will be arrested and the crown of leadership of this Nation in the industrial and business world will in the end be worn by some other nation. But if monopolies are organized and combinations are formed which destroy competition, and if gigantic corporations absorb through unfair and destructive methods the business of the country, there will be developed a sentiment socialistic or paternalistic in character which will culminate in the overthrow of the competitive system and our present economic structure. I believe that Congress should immediately address itself to the consideration of legislation necessary to preserve competition and to prevent monopolies and combinations that interfere with legitimate trade and destroy competition.

The Sherman antitrust law should be strengthened. We are about to reach a point in our economic and industrial life where we will be compelled to decide whether we shall have free competition or whether business shall be put into a strait-jacket and be conducted under such forms and regulations and bureaucratic and "red tape" and exasperating methods as the General Government shall prescribe. The business men of our country should be alive to the situation. The future is largely in their hands. If they act with wisdom and fairness and honesty and patriotism then prosperity and progress and peace and happiness will be the inheritance of the American people.

"Big business" and the great industries of our country must have a clean slate. Their methods must be above reproach; their policies such as to square with the ideals and moral concepts of an enlightened and Christian Commonwealth.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from North Carolina [Mr. OVERMAN]. The Secretary will state it.

The READING CLERK. On page 1, line 8, after the word "counsel," insert the words "at a sum not exceeding \$5,000." The amendment was agreed to.

The resolution as amended was agreed to.

ATMOSPHERIC NITROGEN.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (S. 3390) to provide further for the national defense; to establish a self-sustaining Federal agency for the manufacture, production, and development of the products of atmospheric nitrogen for military, experimental, and other purposes; to provide research laboratories and experimental plants for the development of fixed nitrogen production, and for other purposes.

Mr. KING. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Harrison	McNary	Smoot
Beckham	Heflin	Nelson	Spencer
Borah	Henderson	New	Stanley
Brandegge	Hitchcock	Norris	Sterling
Capper	Johnson, Calif.	Nugent	Sutherland
Chamberlain	Jones, Wash.	Overman	Swanson
Colt	Kendrick	Phipps	Thomas
Curtis	Kenyon	Poinexter	Townsend
Dillingham	Keyes	Pomerene	Trammell
Fernald	King	Ransdell	Warren
Fletcher	Kirby	Sheppard	Watson
France	Knox	Simmons	Wolcott
Frelinghuysen	La Follette	Smith, Ariz.	
Gronna	McCumber	Smith, Md.	
Harris	McKellar	Smith, S. C.	

The PRESIDING OFFICER (Mr. HENDERSON in the chair). Fifty-seven Senators having answered to their names, there is a quorum present.

Mr. SMITH of South Carolina. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside in order that we may take up the maternity bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

PROTECTION OF MATERNITY AND INFANCY.

Mr. FRANCE. I ask unanimous consent for the present consideration of the bill (S. 3259) for the public protection of maternity and infancy, and providing a method of cooperation between the Government of the United States and the several States.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. THOMAS. Let the bill be read.

Mr. SMOOT. Mr. President, I wish to say to the Senator from Maryland [Mr. FRANCE] that there is a conference appointed between members of the Finance Committee of the Senate and the Ways and Means Committee of the House to meet at 2 o'clock. I simply wish to give notice to the Senator that I am obliged to attend that meeting. As I understand it, the amendment which I have offered to the bill is now pending, and, of course, if it leads to any discussion I would like the Senator to notify me at the meeting, and I will come to the Chamber as quickly as possible.

Mr. FRANCE. Very well.

Mr. WARREN. Mr. President, I wish to ask if the Senator from Maryland will not put the bill over for to-day. There are Senators who wish to be heard who do not happen to be in the city at this time. I did not have an opportunity to read the bill until an hour ago. It is going to lead to some discussion, and I think we will gain time by allowing it to go over until Senators can become more familiar with its provisions. I have an important committee meeting this afternoon, and the Senator from Utah [Mr. SMOOT] seems to be situated likewise. The bill is one that I think ought to have consideration and discussion at the proper time, and it ought not to be—I will not say forced upon us, because, of course, it has not been, but I think it ought not to be brought up here so unexpectedly as it now comes up.

Mr. FRANCE. I should be pleased to yield to the wishes of the Senator from Wyoming, but I feel that inasmuch as the

Senator from South Carolina [Mr. SMITH] has laid aside his measure, which is the unfinished business, in order that we may proceed with the maternity bill, I am not at liberty to defer action upon the measure. I feel that this is the only opportunity which I may have to get consideration for it. If the maternity bill was the unfinished business, I should be very glad to accommodate the Senator by laying it aside, but I do not feel that I am at liberty to do so under the circumstances.

Mr. WARREN. I was not in the Chamber at the close of business yesterday, but I understand that there was no difference of opinion between the Senator from South Carolina and the Senator from Maryland as to the two bills being considered one immediately after the other. I do not ask to have it put over with any idea of delaying it beyond a day or two until we can consider it a little more fully.

Mr. FRANCE. I think there will be some discussion of the bill this afternoon, and that Senators will have an opportunity of becoming informed as to its provisions. It is a very simple measure and does not carry a very large appropriation. I feel that if we should have a brief discussion this afternoon it would be advantageous to all of us and would advance the measure.

Mr. SMITH of South Carolina. If the Senator will allow me, I have heard quite a number of Senators indicate that they desire to discuss the bill and intimate that they are prepared to discuss it. It seems to me that no time would be lost to allow those who care to discuss it to begin this afternoon, and this may give ample opportunity to those who wish to do so to look further into it during that discussion.

Mr. SMOOT. Before leaving the Chamber I wish to ask the Senator from South Carolina if he has not an agreement with the Senator from New York [Mr. WADSWORTH] that no final action will be taken upon the unfinished business until he returns?

Mr. SMITH of South Carolina. He called me up and stated that he was unavoidably called from the city. That is also true of other Members of the Senate who were unavoidably called away, one of them on account of illness in his family.

Mr. SMOOT. I just wanted to know before leaving, because I know the Senator from New York is very much interested in the measure.

Mr. WARREN. I happened to take the Senator from New York home from the Capitol last night, and he expressed an earnest desire to be present when the bill is considered. He assumed that it would be laid over since it came up in a rather unexpected way.

Mr. SMITH of South Carolina. I wish to state that I am not advised as to what debate either one of the bills will lead to. I have been informed there are quite a number of amendments that will be proposed to the present unfinished business. I think, if the Senator from Maryland would now proceed with his bill that we will a little later on get a clearer vision of the whole situation than we have now.

Mr. FRANCE. I hope the Senator from Wyoming will not object to our proceeding at this time with the consideration of the bill, as I think discussion will be most helpful and informing to the Senate, and I feel that the bill can be moved on speedily to its passage.

Mr. NELSON. Mr. President, I should be very glad to hear the Senator from Maryland explain what the bill involves, how large an appropriation is called for, and all the important details of it. The range of legislation is so great that about all a Senator can well keep track of are the measures that belong to his own committee, and when it comes to measures from other committees we have to rely on the members of those committees. I should be very glad if the Senator would explain his bill.

Mr. THOMAS. I was going to say that I had called for the reading of the bill at the time this discussion began.

The PRESIDING OFFICER. The Secretary will read the bill.

Mr. SMITH of South Carolina. The bill is now before the Senate?

The PRESIDING OFFICER. The bill is now before the Senate.

The reading clerk read the bill, as follows:

Be it enacted, etc., That there is hereby annually authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sums authorized in section 2 of this act, to be paid to the several States for the purpose of cooperating with the States in promoting the care of maternity and infancy in the several States; to provide instruction in the hygiene of maternity and infancy, and the sum authorized in section 5 for the use of the Federal board of maternal and infant hygiene for the administration of this act and for the purpose of making such studies, investigations, and reports as will further the efficient administration of this act.

SEC. 2. That for the purpose of paying the expenses of said cooperative work in providing the services and facilities specified in this act and the necessary printing and distribution of information in connection with the same there is permanently authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$480,000 for each year, \$10,000 of which shall be paid annually to each State in the manner hereinafter provided: *Provided*, That there is also authorized to be appropriated for the use of the States, subject to the provisions of this act, for the fiscal year ending June 30, 1921, an additional sum of \$2,000,000; for the fiscal year ending June 30, 1922, the sum of \$2,400,000; for the fiscal year ending June 30, 1923, the sum of \$2,800,000; for the fiscal year ending June 30, 1924, the sum of \$3,200,000; for the fiscal year ending June 30, 1925, the sum of \$3,600,000; for the fiscal year ending June 30, 1926, the sum of \$4,000,000; and annually thereafter the sum of \$4,000,000: *Provided further*, That the additional appropriations herein authorized shall be apportioned among the States in the proportion which their population bears to the total population of the United States, not including outlying possessions, according to the last preceding United States census: *And provided further*, That no payment out of the additional appropriation herein authorized shall be made in any year to any State until an equal sum has been appropriated for that year by the legislature of such State for the maintenance of the services and facilities provided for in this act.

So much of the amount appropriated apportioned to any State for any fiscal year as remains unexpended at the close thereof shall be available for expenditures in that State until the close of the succeeding fiscal year. Any amount apportioned under the provisions of this act unexpended at the end of the period during which it is available for expenditure under the terms of this section shall be reapportioned, within 60 days thereafter, to all the States in the same manner and on the same basis, and certified to the Secretary of the Treasury and to the State boards described in section 4 in the same way as if it were being apportioned under this act for the first time.

SEC. 3. The Federal Board of Maternal and Infant Hygiene (hereinafter called the Federal board) shall consist of the Secretary of Labor, who shall be the chairman; the Chief of the Children's Bureau, who shall be the executive officer; the Surgeon General of the United States Public Health Service, and the United States Commissioner of Education. The Federal board shall have charge of all matters concerning the administration of this act, and shall have power to cooperate with the State boards authorized to carry out the provisions of this act. It shall be the duty of said Federal board to make, or cause to have made, such studies, investigations, and reports as will promote the efficient administration of this act.

SEC. 4. That in order to secure the benefits of the appropriations authorized in section 2 of this act, any State shall, through the legislative authority thereof, accept the provisions of this act and designate or authorize the creation of a State board of maternal and infant hygiene, consisting of not less than three members, which shall have all necessary powers to cooperate as herein provided with the Federal board in the administration of the provisions of this act: *Provided*, That in any State having a child welfare or child hygiene division in its State board of health, the said State board of health may be directed to administer the provisions of this act through such divisions. The Federal board may require the State boards cooperating under this act to appoint advisory committees, both State and local, to assist in carrying out the purposes of this act; the members of such advisory committees shall be selected by the State boards, and at least half of such members shall be women. In any State, the legislature of which does not meet in 1920, the governor of that State, so far as he is authorized to do so, may accept the provisions of this act and create a State board of maternal and infant hygiene of not less than three members, or designate a division of child welfare or child hygiene in the State board of health, to act in cooperation with the Federal board. The said Federal board shall then recognize such State board for the purposes of this act until the legislature of such State meets in due course and has been in session 60 days.

SEC. 5. That so much, not to exceed 5 per cent of the amount authorized for any fiscal year under this act, as the Federal board may estimate to be necessary for administering the provisions of this act, shall be deducted for that purpose, to be available until expended. Within 60 days after the close of each fiscal year the said Federal board shall determine what part, if any, of the sums theretofore deducted for administering the provisions of this act will not be needed for that purpose, and apportion such part, if any, for the fiscal year then current in the same manner and on the same basis, and certify it to the Secretary of the Treasury and to the several State boards described in section 4 above, in the same way as other amounts authorized by this act to be apportioned among the several States for such current fiscal year.

SEC. 6. That out of the amounts authorized under this act the Federal board is authorized to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to rent buildings outside of the city of Washington, to purchase such supplies, material, equipment, office fixtures, and apparatus, and to incur such travel and other expense as it may deem necessary for carrying out the purposes of this act.

SEC. 7. That within 60 days after the approval of this act the Federal board shall certify to the Secretary of the Treasury and to each State board described in section 4 the sum which the Federal board has estimated to be deducted for administering the provisions of this act, and the sum which it has apportioned to each State for the fiscal year ending June 30, 1921, and on or before January 20 next preceding the commencement of each succeeding fiscal year it shall make similar certifications for such fiscal year.

SEC. 8. That any State desiring to avail itself of the benefits of this act shall, by its board described in section 4, submit to the Federal board detailed plans for carrying out the provisions of this act. These plans shall include the provisions to be made in the State for the administration of the act; the provision of instruction in the hygiene of maternity and infancy through public health nurses, consultation centers, and other suitable methods, and the provision of medical and nursing care for mothers and infants at home or at a hospital when necessary, especially in remote areas. If the Federal board finds these plans to be in conformity with provisions and purposes of this act, due notice of approval shall be sent to the State board.

SEC. 9. That in order to provide popular, nontechnical instruction to the residents of the various States, particularly to those to whom such facilities are not accessible, on the subject of the hygiene of infancy, hygiene of maternity, and related subjects, the State board described in section 4 is authorized to arrange with the State university, land-grant college, or other public educational institution for

the provision of extension courses by qualified lecturers: *Provided*, That not more than 25 per cent of the sums granted by the United States to a State under this act may be used for this purpose.

SEC. 10. That in order to receive the benefits of the appropriations authorized under this act the State shall, through the legislative authority thereof, appoint as custodian for said moneys its State treasurer, who shall receive and provide for the proper custody of such money and its disbursement on requisition of the State board described in section 4.

SEC. 11. That the facilities provided by any State boards cooperating under the provisions of this act shall be available for all residents of the State.

SEC. 12. That the Federal board shall every three months ascertain the amounts expended by the several State boards described in section 4 in the preceding quarter year. On or before the 1st day of January and quarterly thereafter the Federal board shall certify to the Secretary of the Treasury the amount to which each State is entitled under the provisions of this act. Upon such certification the Secretary of the Treasury shall pay to the State treasurer as custodian the amounts so certified.

SEC. 13. That each State board cooperating under this act shall make such reports concerning its operation and expenditures as shall be prescribed by the Federal board. The Federal board may withhold the allotment of moneys to any State whenever it shall be determined that such moneys are not being expended for the purposes and under the conditions of this act.

If any allotment is withheld from any State, the State board of such State may appeal to the Congress of the United States, and if the Congress shall not direct such sum to be paid it shall be distributed elsewhere, in the manner described in the last paragraph of section 2.

SEC. 14. That if any portion of the moneys received by the treasurer of any State as custodian under this act shall, by any action or contingency, be diminished or lost, it shall be replaced by such State, and until so replaced no subsequent allotment under this act shall be paid to such State. No portion of any moneys apportioned under this act for the benefit of the States shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings or equipment, or for the purchase or rental of any buildings or lands.

SEC. 15. That as chairman of the Federal board, the Secretary of Labor shall include in his annual report to Congress a full account of the administration of this act and of the expenditures of the moneys herein authorized.

The PRESIDING OFFICER (Mr. NUGENT in the chair). The bill is before the Senate as in Committee of the Whole, and there is an amendment reported from the Committee on Public Health and National Quarantine.

Mr. FRANCE. Mr. President, I do not wish at this time to discuss the measure further than to say that I reported it from the Committee on Public Health and National Quarantine on the 2d day of June last. The bill was reported after we had held a hearing and after it had been carefully considered by the members of the committee, all of whom seemed to feel that it was an important and wise measure. I shall not further discuss the bill at this moment, because I think it might be well to have the Senator from Texas [Mr. SHEPPARD], who introduced the bill, explain to the Senate its provisions.

Mr. WARREN. Mr. President, unless there is objection, I wish the amendment to the bill may be now read, in order that we may have the whole measure before us as reported from the committee.

Mr. SHEPPARD. I have no objection to that course being taken.

Mr. WARREN. I desire whatever amendments have been offered to the bill may be now stated.

The PRESIDING OFFICER. The Secretary will state the amendments which have been proposed to the bill.

The READING CLERK. On page 6, section 8, line 16, the committee propose to strike out:

That any State desiring to avail itself of the benefits of this act shall, by its board described in section 4, submit to the Federal board detailed plans for carrying out the provisions of this act. These plans shall include the provisions to be made in the State for the administration of the act; the provision of instruction in the hygiene of maternity and infancy through public health nurses, consultation centers, and other suitable methods, and the provision of medical and nursing care for mothers and infants at home or at a hospital when necessary, especially in remote areas. If the Federal Board finds these plans to be in conformity with provisions and purposes of this act, due notice of approval shall be sent to the State board.

And in lieu thereof to insert:

That the cooperative work in promoting the care of maternity and infancy shall consist of instruction in the hygiene of maternity and infancy through public health nurses, consultation centers, and other suitable methods, and the provision of medical and nursing care for mothers and infants at home or at a hospital when necessary, especially in remote areas; and this work shall be carried on in such manner as may be mutually agreed upon by the Federal board and any State receiving the benefits of this act.

Mr. SHEPPARD. Does the Senator from Wyoming desire amendments which have been offered to the bill by Senators also stated?

Mr. WARREN. I desire to have all amendments, by whomsoever offered to the bill, now stated. The amendment which has just been stated is embodied in the printed copy of the bill.

Mr. THOMAS. Mr. President, if I correctly understood, the senior Senator from Utah [Mr. SMOOT], before leaving the Chamber, referred to some amendments which he had offered or proposed to offer.

Mr. SHEPPARD. I have a copy of his amendments, and I shall be glad to have them read.

Mr. THOMAS. I should like to be informed of its purpose.

Mr. SHEPPARD. I send the amendments to the desk.

The PRESIDING OFFICER. The amendments will be read for the information of the Senate.

The READING CLERK. The senior Senator from Utah proposes the following amendments:

On page 1 strike out all of line 10, and on page 2 strike out lines 1, 2, and 3 and substitute therefor the following: "For the use of the Children's Bureau, for the promotion of maternal and infant hygiene, for the administration of this act, and for the purpose of making such studies, investigations, and reports as will further the efficient administration of this act."

On pages 3 and 4 strike out all of section 3 and substitute therefor the following:

"Sec. 3. The Chief of the Children's Bureau of the Department of Labor, acting through the agency of the Children's Bureau of the Department of Labor (hereinafter called 'the Children's Bureau'), shall be charged with the carrying out of the provisions of this act and the Chief of the Children's Bureau shall be the executive officer. The Chief of the Children's Bureau as executive officer is hereby authorized to form an advisory committee to consult with the Chief of the Children's Bureau and to advise concerning any problems which may arise in connection with the carrying out of the provisions of this act, such advisory committee to consist of the Secretary of Agriculture, the Surgeon General of the United States Public Health Service, and the United States Commissioner of Education. The Children's Bureau shall have charge of all matters concerning the administration of this act and shall have power to cooperate with the State board authorized to carry out the provisions of this act. It shall be the duty of the Children's Bureau to make or cause to be made such studies, investigations, and reports as will promote the efficient administration of this act."

On page 4, line 14, and wherever thereafter they appear in the bill, strike out the words "Federal board" and substitute therefor the words "Children's Bureau."

On page 4, line 24, insert after the word "women" the following words: "All of the members of which advisory committees shall serve without compensation."

On page 7, line 8, after the word "medical," insert the following: "Or other suitable remedial measures."

Mr. SHEPPARD obtained the floor.

Mr. FRANCE. Mr. President, if the Senator will yield for a moment,—

Mr. SHEPPARD. I yield to the Senator from Maryland.

Mr. FRANCE. I will say that I have examined the amendments presented by the senior Senator from Utah, and I feel that they materially improve the measure, and I shall be very glad to see those amendments adopted. However, if they shall be adopted, one additional amendment will be required. I send that amendment to the desk in order that it may be read, and at the proper time I shall offer it, if the amendments of the Senator from Utah shall be adopted.

Mr. KENYON. Mr. President, if the Senator from Texas is to discuss this measure at this time, I think there should be more Senators here.

Mr. SHEPPARD. I will say to the Senator from Iowa that I think we have a fairly representative attendance here, in view of the record of the Senate so far at this session.

Mr. THOMAS. Mr. President, I suggest to the Senator from Iowa that he consider the old adage that "you can lead a horse to water, but you can not make him drink."

Mr. KENYON. In other words, you can bring a Senator here, but you can not make him listen to what is said?

Mr. THOMAS. No; the chances are that after the roll is called there will be fewer Senators here than at present.

Mr. KENYON. I had not reached the point of making the suggestion of the absence of a quorum, so it is not necessary to withdraw it.

The PRESIDING OFFICER. The Secretary will read, for the information of the Senate, the amendment to be offered by the Senator from Maryland.

The READING CLERK. It is proposed to strike out section 15 and in lieu thereof to insert:

Sec. 15. That as executive officer the Chief of the Children's Bureau shall make an annual report to the Secretary of Labor for presentation to Congress, such report to render a full account of the administration of the act and of the expenditure of the moneys herein authorized.

Mr. SHEPPARD. Mr. President, the principal object of this bill is to enable the Federal Government to cooperate with the States in the distribution of information relating to maternal and infant hygiene. The immediate direction of the work is to rest with the State agencies, and the work is to be carried on in such manner as may be mutually agreed upon by Federal and State authorities.

The work consists in distributing information and instruction in the hygiene of maternity and infancy through bulletins, public-health nurses, consultation centers, lectures, and other suitable methods. Wherever necessary, and especially in remote areas, medical and nursing care for mothers and infants may be provided, in so far as available funds will permit.

A Federal board of maternal and infant hygiene, composed of the Secretary of Labor as chairman, the chief of the Children's Bureau as executive officer, the Surgeon General of the United States Public Health Service, and the United States Commissioner of Education, is created to represent the Federal Government in cooperating with State agencies.

The amendment offered by the Senator from Utah [Mr. Smoot] confers upon the Children's Bureau the function of administering the act, and converts the Federal board established by the bill into an advisory committee—a change which the chairman of the committee has accepted.

A State signifies its intention to cooperate under this measure when its legislature authorizes a State board of maternal and infant hygiene or a child welfare or a child hygiene division of the State board of health to represent the State. The board representing the State submits to the Federal board a plan for carrying on within the State the purposes of this act.

Acceptance of the plan by the Federal board qualifies the State to receive the sum of \$10,000 from the United States Treasury to aid in enacting its details, and also to receive a share of an additional Federal appropriation conditioned on the appropriation of a like amount by the State itself. This additional Federal appropriation is to be \$2,000,000 for the first fiscal year after the passage of this act, \$2,400,000 for the second, \$2,800,000 for the third, \$3,200,000 for the fourth, \$3,600,000 for the fifth, and \$4,000,000 for each succeeding fiscal year. The share of a State in this additional allotment is to be based on the proportion of its population to that of the United States, not including outlying possessions, according to the last preceding United States census.

Thus every State establishing or having a proper agency and submitting an acceptable plan will receive substantial cooperation from the Federal Government as follows: First, every complying State receives \$10,000, and, if it should desire to go further, a share in the additional appropriation before described, based on an equal appropriation from its own treasury.

The Federal board certifies to the Secretary of the Treasury on the 1st of each January, and every three months thereafter, the amounts to which each accepting State is entitled, whereupon the Secretary pays such amounts to the State treasurer. The State treasurer pays out these funds on vouchers signed by the State board. The Federal board may withhold any allotment if it appears that a State is not properly cooperating, the State board having an appeal to Congress from the decision of the Federal board.

The Federal board may require such reports from State boards as it deems advisable, and thus keeps in intimate touch with the work in the States.

The Secretary of Labor is to include in his annual report to Congress a full account of the administration of this measure and the expenditures authorized by it.

The need for this act is shown in the appalling number of deaths of mothers in the United States due to causes connected with childbirth, and among infants under one year of age. It developed at the hearing on this bill before the Committee on Public Health that 23,000 mothers died in this country from such causes in 1918, that nearly 250,000 infants less than one year old perished during the same year, and that most of these deaths were preventable. It was made clear that lack of instruction and care not only led to such deaths, but to reduced vitality and permanently impaired health and efficiency among thousands of women and children who survive.

In March, 1920, the Metropolitan Life Insurance Co. issued a statistical bulletin in which it was stated that even at this late date more women between the ages of 15 and 45 years die from causes incidental to childbearing than from any other cause except tuberculosis; that this condition has begun to interest those concerned with the conservation of human life; and that, as a result, a hitherto undeveloped field of public health work has been opened up.

The Federal Government expends millions of dollars every year in the distribution of information and instruction as to how cattle and hogs and other domestic animals may be saved from disease and death, but so far has provided the merest pittance for women and babes, who are suffering each year a preventable mortality greater than that of our armies during the entire period of our participation in the World War.

This bill provides a simple and practicable method by which instruction and assistance may be made available to mothers in the hygiene of maternity, infancy, and childhood. It meets one of the most vital needs of the time. It is nonpartisan, and should have the support of all parties and sections. In the House a Republican has introduced it, in the Senate a Democrat. In the preceding Congress a bill of similar purpose was intro-

duced by Miss Rankin, a Republican, and the first woman Member of Congress. Both President elect Harding and Gov. Cox have indorsed legislation of this kind. It is approved by nearly every woman's organization of importance in the country.

The League of Women Voters and the National Federation of Women's Clubs have listed it among the leading measures representing the desires and the demands of American women. Both the women's national Republican and Democratic committees have recorded their approval. The Democratic national platform of 1920 specifically favors an enactment of this nature.

The bill involves no radical departure in method or principle. In providing for State and National cooperation, it follows the example of the vocational education and good roads acts. Other countries have already adopted policies of similar aid to maternity and infancy, with most satisfying results.

The bill creates no new department, no new supervising officials, but combines existing Federal officials into a single board for the administration of its provisions. It has been indorsed by the following organizations, and many others:

General Federation of Women's Clubs.
National Congress of Mothers and Parent Teacher Associations.
Women's National Democratic Committee.
Women's National Republican Committee.
League of Women Voters.
Association of Collegiate Alumnae.
National Women's Christian Temperance Union.
Council of Jewish Women.
National Board of Young Women's Christian Association.
Continental Congress of the Daughters American Revolution.
National Association of Deans of Women.
National Women's Association of Commerce.
National Consumers' League.
National Organization for Public Health Nursing.
National Child Welfare Association.
National Council of Women.
Service Star Legion.
American Child Hygiene Association.
Woman's Foundation for Health.
National Women's Trade Union League.
Life Extension Institute of New York.
Superintendents' department of the National Education Association.
New Mexico Child Welfare Board.
Legislative Council of California.
Colorado Children's Bureau.
Colorado Eastern Star.
Colorado Ladies of the Grand Army of the Republic.
North Dakota Votes for Women League.
Women's Education Club of Toledo.
Twentieth Century Mothers' Club, Newport, Tenn.
Coke County Red Cross Chapter, Newport, Tenn.
Portland Equal Franchise League, Portland, Me.
Buchanan Democratic Club, Texarkana, Tex.
Social Service Club, Flagstaff, Ariz.
Fulton County Tuberculosis Committee, Johnstown, N. Y.
Denver Woman's Christian Temperance Council.
Childress-Collingsworth-Donley-Hall County Medical Society, Clarendon, Tex.
Director and trustees of the Elizabeth McCormick Fund.
Chicago Visiting Nurse Association.
New Orleans Infant Welfare Association.
League of American Pen Women.
Women's Press Club.

I desire to conclude this brief explanation of the bill by reading to the Senate the letters of the governors of many States in reference to this measure, showing that the States will welcome it and will cooperate with the Federal Government in this beneficent work.

These letters were sent to Mr. W. F. Bigelow, editor of Good Housekeeping, who has taken a profound interest in this bill and rendered invaluable service in its behalf:

STATE OF NEW YORK,
EXECUTIVE CHAMBER,
Albany, April 28, 1920.

Mr. W. F. BIGELOW,
Editor Good Housekeeping, New York City.

MY DEAR MR. BIGELOW: I am of the opinion that legislation looking toward the establishment of health centers, public health nursing, and maternity centers is of great importance. I have dealt with these matters in both of my messages to the Legislature of New York State and in special messages covering special phases of public health legislation.

The State of New York will be among the first to give the Federal Government effective cooperation in carrying out the provisions of the Sheppard-Towner bill.

Yours, very truly,

ALFRED E. SMITH.

CHARLESTON, W. VA., November 2.

W. F. BIGELOW,
Editor Good Housekeeping:

Referring to your letter of the 31st ultimo, this State will cooperate to the limit.

JOHN J. CORNWELL, Governor.

COLUMBIA, S. C., November 3.

W. F. BIGELOW,
Editor Good Housekeeping:

Your letter. I heartily approve of measure for protection of maternity and infancy. I think it important for bill to retain feature providing that this fund shall be handled by State health machinery already existing, otherwise there might arise annoying duplication.

R. A. COOPER, Governor.

TALLAHASSEE, FLA., November 3, 1919.

W. F. BIGELOW,
119 West Fortieth Street, New York:

Letter received. I am in favor of anything that will help the mothers and infants of our country.

SIDNEY J. CATTS, Governor.

PHOENIX, ARIZ., November 12, 1919.

W. F. BIGELOW,
Editor Good Housekeeping:

Am heartily in favor of Sheppard bill for public protection of maternity and infancy. In event it passes, will extend cooperation of the State of Arizona for its successful administration. Am sure that legislature will take necessary steps to carry out purposes of the act, and I will make such recommendations when it convenes.

THOMAS E. CAMPBELL, Governor.

TOPEKA, KANS., November 6, 1919.

W. F. BIGELOW,
Editor Good Housekeeping:

Am heartily in favor measures for protection of maternity and infancy. Kansas is already organized for that work through the child-hygiene division, State board of health, and we will welcome cooperation of National Government.

HENRY J. ALLEN, Governor.

PROVIDENCE, R. I., December 12, 1919.

W. F. BIGELOW,
119 West Fortieth Street, New York City:

Think Senate bill 3259 is a most excellent one, and I certainly hope it will pass.

R. LIVINGSTON BECKMAN.

SACRAMENTO, CALIF., December 17, 1919.

W. F. BIGELOW,
Good Housekeeping, 119 West Fortieth Street, New York, N. Y.:

I heartily favor cooperation of State and National Governments for protecting maternity and infancy.

W. D. STEPHENS, Governor.

SALEM, OREG., November 6, 1919.

W. F. BIGELOW,
Good Housekeeping, 119 West Fortieth Street, New York City:

You may count on what cooperation I may give to aid in your campaign for making better conditions for mothers of the Nation. I believe Oregon will back move suggested in your letter of October 31.

BEN W. OLCOTT, Governor.

LITTLE ROCK, ARK., December 16, 1919.

W. F. BIGELOW,
119 West Fortieth Street, New York, N. Y.:

I heartily indorse Senate bill 3259 by Senator SHEPPARD.

CHARLES J. BROUGH, Governor of Arkansas.

STATE OF ALABAMA,
EXECUTIVE DEPARTMENT,
Montgomery, January 12, 1920.

Mr. W. F. BIGELOW,
119 West Fortieth Street, New York, N. Y.

DEAR SIR: I beg to acknowledge receipt of your letter of the 8th instant, with inclosure of a copy of the Towner bill pending in the House of Representatives. I am in hearty sympathy with the purpose of the bill and shall do whatever lies within my power to further its passage through Congress and for all necessary cooperating legislation by this State.

Very truly, yours,

THOS. E. KILBY, Governor.

STATE OF NORTH DAKOTA,
OFFICE OF THE GOVERNOR,
Bismarck, December 27, 1919.

Hon. W. F. BIGELOW,
119 West Fortieth Street, New York City, N. Y.

DEAR SIR: Your letter of December 9 awaited my return of several days' absence from the city.

I assure you that I am heartily in favor of laws that will protect the mothers and children of our country. I have made the statement a great many times that the State and National Governments were giving more consideration to the health of live stock than they were to the health of the people.

Yours, very truly,

LYNN J. FRAZIER.

STATE OF NEVADA,
EXECUTIVE CHAMBER,
Carson City, January 13, 1920.

Mr. W. H. BIGELOW,
Editor Good Housekeeping, New York City, N. Y.

MY DEAR SIR: I am in receipt of your letter of January 8, together with a copy of the Sheppard bill for the promotion of maternity and infant welfare. It gives me pleasure to indorse this measure and to assure you that should it be enacted in Congress, I will recommend to the State of Nevada that it assent to the acceptance of its terms.

Very sincerely, yours,

EMMET D. BOYLE, Governor.

STATE OF NEW MEXICO,
EXECUTIVE OFFICE,
Santa Fe, November 5, 1919.

Mr. W. F. BIGELOW,
119 West Fortieth Street, New York City.

DEAR SIR: I am in receipt of your letter of the 1st instant, informing me of the introduction of a bill in the Senate of the United States by Senator SHEPPARD, of Texas, providing for the cooperation of the Federal Government with State governments in the matter of hygiene for mothers, to the end that mothers, as well as babies, may be properly taken care of and the mortality heretofore existing among them be reduced to the minimum.

In this connection I beg to say that I am heartily in favor of such a law. We have in this State a child-welfare board, created by the last legislature, the object of which is strictly in line with the objects that would be accomplished by the Sheppard bill now pending in the Senate. If that bill passes the Federal Congress, New Mexico will be in a position to cooperate along those lines and will be very glad to do so.

In fact, I believe our Government should go one step further in that direction. Among other things, you say in your letter: "The Nation rests on mothers; it should protect them."

I quite agree with that, and, let me add, the Government should help poor widowed mothers who have infant children on their hands, without means of support, to properly support those children, who are to be the future citizens of the State. In other words, there should be a pension provided by law for such mothers.

Very respectfully,

O. A. LARRAZOLO, Governor.

STATE OF IDAHO,
OFFICE OF THE GOVERNOR,
Boise, November 6, 1919.

Mr. W. F. BIGELOW, Editor,
119 West Fortieth Street, New York, N. Y.

MY DEAR SIR: Replying to your letter of October 31, I am very glad to say Idaho already has on her statute books a law similar to that proposed for the Nation by Senator SHEPPARD, of Texas. I take pleasure in attaching a copy hereto. If you desire to know more in detail concerning the operation of the law, Mr. J. K. White, commissioner of public welfare, Boise, Idaho, will be glad to send you all information at hand.

Since I gave my approval to this bill for the State of Idaho, it follows that I shall be glad to see other States adopt such legislation, and would advocate legislation in this State in cooperation with the bill pending as outlined in your letter.

Very truly, yours,

D. W. DAVIS, Governor.

[Chap. 121, S. B. No. 118.]

An act creating a bureau of child hygiene in the department of public welfare, and defining the duties of the same.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby created in the department of public welfare a bureau to be known as the division of child hygiene, to be under the general supervision and direction of the department, the director of which bureau shall be the commissioner of the public welfare, or some woman, if any there be, in that department.

SEC. 2. The general duties of the bureau of child hygiene shall include the issuance of educational literature on the care of the baby and the hygiene of the child, the study of the causes of infant mortality and the application of preventive measures for the prevention and suppression of the diseases of infancy and early childhood, and such other duties as are prescribed by the department.

Approved, March 11, 1919.

STATE OF MAINE, OFFICE OF THE GOVERNOR,
Augusta, November 6, 1919.

DEAR MR. BIGELOW: I have noted with much interest your letter of the 1st instant regarding a bill for the public protection of maternity and infancy. I feel that the subject is one that could well be taken up by the State of Maine, but I believe that the creation of a special State board of maternal and infant hygiene is not necessary here.

The work could very well be carried on by our State department of health, which is one of the most efficient organizations in the country, headed by Leverett Dale Bristol, an energetic young man, who has already been doing this subject much consideration.

I am prepared to recommend to the legislature the granting of a special appropriation to meet any funds made available by the Federal Government and to suggest that this work be carried on by special division for child hygiene and infant welfare, under the auspices of the State department of health.

Very truly, yours,

CARL E. MILLIKEN.

Mr. W. F. BIGELOW,
Editor Good Housekeeping,
119 West Fortieth Street, New York City.

STATE OF WYOMING, EXECUTIVE DEPARTMENT,
Cheyenne, December 15, 1919.

Mr. W. F. BIGELOW,
Editor Good Housekeeping,
119 West Fortieth Street, New York City, N. Y.

DEAR SIR: I am in receipt of your letter of the 10th instant, and wish to advise you that I will be very pleased to write to our delegation in Congress indorsing the bill which you mention in your letter.

Very truly, yours,

ROBERT D. CAREY.

STATE OF MONTANA, EXECUTIVE OFFICE,
Helena, April 26, 1920.

Mr. W. F. BIGELOW,
Editor Good Housekeeping,
New York City.

DEAR SIR: I am in receipt of your letter of April 20 relative to the Sheppard-Towner maternity bill, and am writing to say that you may advise the Senate committee that I recognize the necessity of cooperation between the States and the Federal Government in all possible protection to mothers and babies.

Very truly, yours,

S. V. STEWART, Governor of Montana.

EXECUTIVE CHAMBER,
Nashville, Tenn., April 27, 1920.

Hon. W. F. BIGELOW,
New York, N. Y.

DEAR SIR: You are authorized to add my name to the list of those favoring the Sheppard-Towner maternity bill.

Very respectfully,

A. H. ROBERTS, Governor.

STATE OF NEBRASKA,
Lincoln, April 26, 1920.

Mr. W. F. BIGELOW,
Care Good Housekeeping Magazine, New York City.

DEAR SIR: Your letter of the 20th instant, addressed to Hon. Samuel R. McKelvie, Lincoln, Nebr., has been referred to my attention.

Will say in reply that letters of indorsement have gone forward to the Senators of this State urging their support of the Sheppard-Towner maternity bill. This bureau is very heartily in favor of all of the provisions of the bill, and think there is no question but what the State of Nebraska will comply with the requirements of this bill should it be enacted into a law.

Yours, respectfully,

I. H. DILLON, M. D.,
Chief Bureau of Health.

Mr. HARRISON. Will the Senator yield before he takes his seat?

Mr. SHEPPARD. Certainly.

Mr. HARRISON. It may have been that some amendments were adopted before I came into the Chamber.

Mr. THOMAS. None have been adopted.

Mr. HARRISON. On page 2 the original appropriation is for \$480,000 for each year. Then the following language:

Provided, That there is also authorized to be appropriated for the use of the States, subject to the provisions of this act, for the fiscal year ending June 30, 1921, an additional sum of \$2,000,000.

Mr. SHEPPARD. Of course, that would be put forward a year.

Mr. HARRISON. That is what I wanted to inquire. So the Senator will put that off one year, to June 30, 1922?

Mr. SHEPPARD. Yes.

Mr. HARRISON. I want to ask the Senator another question. Does this bill in any way repeal the law which now prevents the dissemination of information touching the control of childbirth?

Mr. SHEPPARD. It does not.

Mr. HARRISON. This in no way affects that?

Mr. SHEPPARD. No; it does not.

Mr. THOMAS. Mr. President, with 15 Senators present, the Secretary, the reading clerk, the doorkeepers, the pages, and spaces filled with unoccupied and deserted seats, I shall occupy a few moments of your time and of the Senate's time in expressing the reasons which compel me to oppose the adoption of this measure.

I know full well, Mr. President, that all opposition to this and similar measures is futile, and consequently that opposition is a waste of effort. It is no pleasure to me, I can assure my small but highly cultivated audience, to persist in expressing opposition and objecting to measures which, so far as my own convictions go, are either beyond the powers of the National Congress, consist of added burdens upon the Treasury, or are otherwise seriously objectionable.

A good many years ago Herbert Spencer directed the attention of the public of Great Britain to the fact that legislation in free governments tended more and more to place restrictions and impose penalties upon all of the various activities of the individual, repealing statutes upon the same subject when the original ones proved unavailing or unsatisfactory, until its societies were irritated and pestered with multitudinous statutes and laws of a regulatory character necessarily requiring the multiplication of bureaus and official agencies for their enforcement, enlarging the burden of taxation because of the enormously increased expenditure necessary for their administration, and ending, or threatening to end, in a despotic legal condition or in the collapse of the social and economic fabric. This he declared to be the most serious of all the consequences of so-called free government, when the statesmanship and the caution of those in authority yielded to and thus accelerated that tendency.

I think that the history of the United States and of the 48 States composing it during the past quarter or half a century abundantly confirms the existence of this evil, the difficulty of checking its operation, and the unfortunate and sinister consequences which must flow from its repeated exercise. I am told that during the last 20 years the States and the Congress together have placed 79,000 laws upon their statute books, all of them designed to produce a better social and political condition by legislation, and many of them relating to the same subject, which seems to have been improperly or unsatisfactorily dealt with at the beginning.

The Nation is not as happy now as it was 25 years ago. We are more discontented, more dissatisfied with our condition and that of the body politic, and therefore we are clamoring for more statutes, like the inebriate who, prior to the 16th day of last January, was prone to cure his malady by prolonging his debauch. Of course, having enacted prohibition he can not do that any more, but we all know that the Nation is as dry as

the Reed amendment would have it dry, because one-half of the people of the United States are spying upon the other half, which, notwithstanding this espionage, manages somehow or other to meet an ever-increasing bill for smuggled whisky. Of course the remedy for that is another constitutional amendment of some sort, a bigger appropriation, and a vast increase of the bureau or the agency designed to enforce it; and I have no doubt, Mr. President, that when those who honestly believe that prohibition will prohibit discover as time goes by that there is a vast distinction between an act that is prohibited and a country that is dry they will demand additional legislation, possibly in the shape of blue laws to take the sun out of Sunday and make it a crime for a man to kiss his wife on the Sabbath day. When that good time comes, if it fails to restore all morality of the public to the extent and to the degree for which men clamor, other legislation more drastic in character will in all probability be enacted, in consequence of which husband and wife will probably be locked in separate rooms, the children put in the barn with the horse or taken from their parents, the gasoline tank emptied late Saturday afternoon, and the chauffeur put in jail until the holy time shall have elapsed, so that men and women shall be good, virtuous, and happy in the freest country under the shining sun.

This is part of the same legislation and it is the germ of repeated acts upon the same subject bound to come, among which will be the clamor of the governors of the States for legislation imposing the whole financial burden of the operation of this law upon the Federal Treasury, while the bureau for its administration, extending over the vast area of the Republic to deal with a condition which is as universal as mankind, will have multiplied its employees beyond comprehension and this \$4,000,000 a year for which provision is made year after year, another extraordinary provision of the bill, will only be a drop in the coming bucket of expenditures.

A man is a fool who in the Congress of the United States questions the constitutionality of any bill in these days. He only provokes ridicule, if not pity and contempt. What is the Constitution between appropriation bills and their exponents? What does it amount to in the face of an overwhelming petition of those who are interested in a given measure?

In the first place, there will be very few who will question it in the courts unless it immediately concerns them, and in the next place any and every thing seems now to be in the power of the Federal Congress that the judgment, the whim, or the caprice of our several Members seem to think desirable. So I shall say nothing about the constitutionality of the measure beyond asserting that in my judgment if such legislation as this had been supposed even a remote fantastic possibility in the early days the Constitution of the United States would never have been ratified.

I concede that it is no worse than scores of statutes that have been placed upon the statute books during the eight years of my service in this body. I concede that the purpose of the bill is a most benevolent one, a most beneficent one, a most humane one, and if benevolence and beneficence and humanity measure the limit of our powers as a Government of delegated authority then there is no question about our right and perhaps our duty to enact measures of this sort.

Governments, and especially those existing by consent of the governed, constitute an agency formed by the people for governmental purposes, to protect life and limb, to give security to property, to levy taxes for public necessary purposes, wage war, make peace, conduct domestic affairs not reserved by the States to themselves, and to conduct at all times our relations with foreign Governments and people.

Such was the conception of this Government of delegated powers by those who framed it and by the first two or three generations who lived under it. But in these days the Treasury of the United States having long ago become the most attractive temptation in the world to all the people of the United States, both our actions and our purposes have revolved around that Treasury as the center of practically 90 per cent of all our legislation. As a result, our States have become practically innocuous and irresponsible Commonwealths. They have become so accustomed to the extension of Federal activities within their dominion, to the exercise by the Federal Government of police and other local authority and power, that they have long ceased to be indifferent to the process and are actively inviting further invasion.

So long as money obtained by appropriation bills from the Treasury is to be administered and expended locally, so long will we continue to saddle upon the National Government both the possession and the performance of those important duties and obligations, which is but another name for the exercise of local self-government. In other words, we are wiping out the actual

distinctions between the States, with their consent and approval and active cooperation, and substituting a huge central authority in its place, and substituting also for the local powers Federal bureaus and boards and agencies, with their headquarters in Washington and their myrmidons spread all over the country. The lice in Egypt were scarcely thicker than the Federal employees of the United States, scattered from the Pacific to the Atlantic, each representing in his own opinion the sovereignty and majesty of the Republic and sometimes making and enforcing his own rules upon the people, occasionally in harmony but frequently in conflict with statute law, thus making the city of Washington the county seat of practically every county in the United States.

Why, the hotels here are constantly filled with men, sometimes with women, whose business at great expense brings them to Washington to secure the arrangement of some matter of entirely domestic concern which now is represented by a bureaucrat, clothed with the authority of Federal law and exercising his duties through a red-tape process that generally means from two to six months before anything can be accomplished.

We are multiplying that situation with almost every statute we enact. Hence the man who speaks of the United States to-day as a democracy either speaks hastily or in spite of the fact that this Government is a bureaucracy pure and simple.

Mr. KING. It is worse than Prussia as a bureaucratic Government.

Mr. THOMAS. What has not yet been bureaucratized will be before the Nation is five years older. I think I am safe in asserting that one-half of the bills that are enacted into law by Congress require for their operation and administration a bureau or a board or a commission, and once it is created it is immortal. It defies time, tides, and the threatening processes of political instability. It is here to stay, and any attempt to remove it is met by the opposition of the organized employees and representatives of it, backed by every other organization of similar character, with the result that we damn them in the cloakroom and vote for them in the Senate.

I know, Mr. President, that even to criticize these conditions is useless. You can not stem a tide that seems to be irresistible, and as long as there is any money in sight this tide will rise as it is rising.

I had occasion a day or two ago to remind the Senate of the fact that the lobby which Wilson is said to have destroyed in 1913 has been succeeded by 125 separate lobbies, political, racial, social, industrial, some of them sectional, every one of them having no concern whatever for the general welfare, no desire to decrease the expenditures of the Government, but determined by threats, by persuasion, by entreaty, or by other processes to secure for themselves and to defeat for others legislation in which they may be interested. We are afraid of them, especially since they now help each other and expect mutual favors. The only thing on earth that stands between most of these organizations and legislation is the absence of a roll call, and as soon as it is ascertained that a roll call will accomplish all that is desired, some one will at all times see that it is had.

Let me illustrate. The bonus bill came up in the House of Representatives shortly before the last session died, and a vast majority of the membership was opposed to it. That was demonstrated by every viva voce vote that was cast upon the measure. Those behind it finally demanded and obtained a roll call, with the result that a bill increasing the indebtedness of the United States by more than two and a half billion dollars was passed with scarcely any opposition whatever.

Will you tell me, Mr. President, that such a situation is promising for the future or that a nation already burdened and overburdened with the most colossal debt in history can long keep its head above the waves if we continue to accumulate additional appropriations upon that burden on the one hand while the taxpayer is defaulting upon the other because of his inability to secure the means which are essential to meet the demands of the Government? The newspapers yesterday announced that in the great city of New York taxpayers owing more than \$40,000,000 defaulted in their payments because, they declared, it was absolutely impossible for them to meet their last quarterly payment upon income and excess-profits taxes. One concern whose taxes were \$2,800,000, which had paid three of the installments, found it impossible to raise the remaining \$700,000. You may say as to any institution whose revenues are so enormous as to make them liable for such a tremendous sum in taxes that it serves them right, since they have made no provision for such an emergency; but the unfortunate fact is that we are confronted upon the one side with falling revenues and upon the other with increasing expenditures.

What are we going to do about it? The Republican Party has just swept this country and has achieved the most enormous victory that a political party ever won. It is in control of the Government for the next four years absolutely. What will they do under those circumstances?

Mr. KING. Does not the Senator mean for two years?

Mr. THOMAS. No; I said four years. I do not, however, believe their majority will be quite so big two years from now; not because the Republican Party will not do its best, but they can not satisfy the taxpayer on the one hand and the man who wants an appropriation on the other any more than we could. I think much of the vote which went to the Republican ticket in the last campaign was attracted there because we had failed to enact such financial legislation as some of the people demanded. I do not mean that we were not willing to do so. If we on this side shied at any appropriation bill that has been introduced since I have been in Congress it must have been when I was out of the Chamber, and I have been here practically all of the time, or simply because we either did not have time or there did not seem to be enough push behind the bills which were defeated.

I am not myself willing to add to the existing burden. I think the individual members of the Republican Party are the best fellows I ever knew in my life, but collectively I never did and never will have any use for them [laughter], and yet I feel too friendly to the incoming administration to do anything that will increase the terrible burden which they must carry, because if we do we must take our share of the consequent responsibility. I want to see prosperous times return. If the prayers of the wicked availed anything, I would pray that the next administration would restore prosperous conditions; I think as common Americans we should all feel so; but I greatly apprehend, Mr. President, that the very influences to which I have referred will be exercised quite as potently upon Republican human and official nature as they have been upon Democratic human and official nature.

The Senator from Texas [Mr. SHEPPARD] called attention to the fact that the pending bill was nonpartisan because a Republican had introduced it in the other House and he had introduced it here. I have no doubt it is nonpartisan, not because of the manner of its introduction—for that is shrewd legislative business—but because the purpose of the bill really appeals to both sides of the Chamber, and the 30 or 40 women's associations which have indorsed it appeal more strongly now that they have the votes. I think I have received about 25 or 30 letters and telegrams since yesterday morning from the good women of my State calling upon me to support this measure; and I am satisfied that the ladies of the other States have been just as busy with their representatives here as mine have been with me. It is pretty hard to refuse a good woman, a conscientious woman, and it is equally hard to refuse a good and conscientious man.

I know how hard it is. Therefore, while we wish them in Tophet when we are in the cloakroom, we are going to sing their praises here upon the floor and tell them how anxious we have been here for years to vote for this and similar legislation. Consequently the bill will pass.

Mr. President, before I take up the bill I wish to refer to one or two of the reasons which have been assigned for it by the Senator from Texas. He tells us that he has letters from 30 governors showing that they are all for it. I said a few moments ago that State officials were apt in these days, no matter what their politics, to be for anything to get money out of the United States Treasury for local expenditure. I am surprised that the Senator has not a letter from the governor of every State. What is a poor governor going to do when the representatives of 30 women's associations come to his office, gather around him with pleas and with tears, with flattery and with threats, and with suggestions regarding his ability and the need for reelecting him—what is he going to do? In nine hundred and ninety-nine cases out of one thousand he will not only write a letter to the proponent of the measure, but he will publish the fact of his adhesion as broadly as possible. I have no doubt I might do it myself if I were the governor of my State and wanted to be reelected. That sort of support to me, however, means absolutely nothing. I will guarantee that I can take any measure that has promise of an appropriation for local expenditure and I can get the support for it of practically all of the men and all of the women of the State where the money is to be expended. It counts, of course; it counts so much that we legislate here not according to our convictions but according to the demands of our constituents; in other words, we are no longer Senators; we are delegates; we are rubber stamps. We used to keep one ear to the ground, but

now we keep both, and as soon as we think we know what the prevailing sentiment is at home we make up our minds. As a result leadership, statesmanship, originality of legislation, the standards of the Congress and of legislatures have been transformed, and when the whip cracks outside we get into line. This is bureaucracy in action. With our civil service organized and affiliating with the American Federation of Labor, and with all the other organizations of a kindred character united we can now, under such pressure, easily pass a resolution in Congress dissolving the Union or declaring war against Great Britain or opening trade with the Bolsheviks or take any other action that seems to have behind it sufficient pressure of a potential political character.

Mr. SMOOT. And a sufficient appropriation.

Mr. THOMAS. Oh, the appropriation is inevitable. There used to be a play when I was a young man called Mulberry Sellers in the Gilded Age, the chief character in which always ended his rhapsodical statement to his friends, "I go in for the old flag and an appropriation." So do we; we stand when we hear the music of the Star-Spangled Banner and proclaim our 100 per cent Americanism, and support all the appropriation bills for which we get a chance to vote.

I do not believe that sort of patriotism to be good for the present or the future, Mr. President; but there is a great deal of it on hand.

But the Senator reminds us that the last Democratic platform indorsed this measure. Now, there is an argument that appeals to me, and especially since the election. I am sorry to say that what this country failed to do for the last Democratic platform is beyond my comprehension. There is nothing left of it; and if it means anything now, it means "Beat this bill." The other convention—I do not know why; I do not know how they got around it—seem to have dodged this particular measure. Perhaps they were so taken up with phrasing their plank upon the League of Nations so as to include the bitterenders and the nonbitterenders, and they succeeded in doing it, that they had no time for trifles like this.

As platform makers, gentlemen, I take off my hat to you. You drew a plank concerning the League of Nations that meant nothing, yet everything to everybody; and under its benevolent phraseology the bitterenders, the ex-President of the United States, and the Lodge reservationists all found ground to stand on. Now, if that is not the height of political statesmanship, then it never has been and never will be reached in this country.

We were not so successful; consequently we were snowed under, not once but several times over. Hence I can not help feel that I am relieved of the obligation imposed upon me by my party with regard to the particular plank which involves this measure.

Mr. SHEPPARD. Mr. President, will the Senator yield?

Mr. THOMAS. I yield.

Mr. SHEPPARD. The Republican candidate for the Presidency indorsed this measure.

Mr. THOMAS. Oh, yes.

Mr. SHEPPARD. He commended the measure in a public speech in the course of the campaign.

Mr. THOMAS. To be sure; and if I had been in his place I should have done the same thing. He did not know then as well as he does now that he did not need any extra votes. The other man indorsed it, and where, oh where, is he?

Mr. President, there is a good illustration of the way in which both parties make votes by voting pensions. Both sides are ready to give the old soldiers or the young soldiers all they want. Why, then, should they change their politics? We have been doing that for some time.

I have the highest respect and a warm personal affection for the President elect. I have the honor to consider him one of my best friends in this Chamber. I am willing to do anything for him that I can do conscientiously, but I can not support this bill even though he indorsed it; and, of course, if that be the case, the appeal, while it may be effectual with some, breaks harmless at my feet. In other words, I am getting to be a pretty tough old opponent, hardened by unsuccess and the misfortune of constant defeat during my otherwise very pleasant career in this eminent body.

Now let us come to this bill.

If it had been introduced before the armistice, it would have been entitled "A bill for the more successful prosecution of the war and for the public protection of maternity and infancy, and providing a method of cooperation between the Government of the United States and the several States"; but the Senator drew this measure after the war was ended, and consequently it can not be considered a war measure, first because it does

not say so, and second because there is not any war. I beg pardon of Senators on the other side; there is still a state of war, but no necessity for longer promoting its successful prosecution.

The bill, Mr. President, to begin with, authorizes the annual appropriation of \$2,000,000 for the fiscal year ending June 30, 1921; \$2,400,000 for the fiscal year ending June 30, 1922; \$2,800,000 for the fiscal year ending June 30, 1923; \$3,200,000 for the fiscal year ending June 30, 1924; \$3,600,000 for the fiscal year ending June 30, 1925; \$4,000,000 for the fiscal year ending June 30, 1926; and annually thereafter the sum of \$4,000,000, making down to and including June 30, 1926, a total of \$18,000,000, plus, as the Senator from Utah [Mr. SMOOT] reminds me, \$480,000 a year, which shall be paid annually to each State at an equal rate, \$10,000 to each.

Here, then, is an authorized appropriation running over a series of years. Now, a very good lady in urging my support of this bill called my attention to the fact that this was such a poor little mite of an appropriation that it ought not to be considered in the general condition of affairs. It is a small appropriation, relatively. Millions of dollars are only chicken feed for us in these days. They are so insignificant that a bill carrying only half a dozen millions is hardly of sufficient consequence to provoke either opposition or debate, but the multiplication even of millions, little millions, by an accumulated number of bills, sometimes aggregates quite a sum.

Until we were overtaken by the recent high-price wave which, now that it is leaving, is frightening us to death, the municipal traction companies over the country met all their expenses and paid their dividends upon a common fare of 5 cents for each passenger. I mention that illustration as showing the cumulative power of money or of figures. This is one of a large number of bills, and their addition now to the annual fixed charge upon the Government revenues is a subject that ought to receive, I venture to submit, no matter what the amount of the sum, the most serious consideration.

We listened the other day to the ominous figures presented to the country by the senior Senator from North Dakota [Mr. McCUMBER]. The deficiencies we are bound to confront are so appalling in their magnitude that I scarcely dare to repeat the amounts; and the revenues, as I have stated, are falling off. In the face of that situation we propose, if we follow this calendar, perhaps several times over, to make other fixed charges upon the Treasury which will not only make the reduction of taxes impossible, but will inevitably lead to their increase if the business and productive interests of the country can stand an increase.

"Oh, but," it is said, "this is for a good purpose," and so it is; but should that now be the test of our legislation? I know of a great many good things I should like to see helped. I wish in some way we could abolish poverty altogether. I know that the precedents we have set in this body, if the House shall approve them, will inevitably result in bills for the relief of the unemployed, whose numbers are large enough now, too large for comfort, and in my judgment will be very much larger next spring. We can not legislate for the financial benefit of one class of people and refuse to legislate for another—indeed, we should not do it—for, once the Government enters entirely into the scheme of paternalism, the equality of man will be more manifest in appeals to Congress than it ever has been heretofore.

Candidly, Mr. President, I think, as I said the other day, that the man who is thrown out of employment because of changed economic conditions is as much entitled to the financial consideration of the Government as the producer who has lost his market, the difficulty in both cases being that we are advancing beyond the domain of governmental action, that we are not using our taxing power for public purposes, but that we are yielding to the doctrine that the people were all made for the government, and not the government for the people.

Hence, from the standpoint of our pecuniary condition, I can not support this or any similar measure at this time. If it is a good thing it must go over, in my judgment, until our Treasury is in a very different condition from that in which it unfortunately is at the present time.

This bill is devised so that the benefits of the appropriations can be enjoyed only by the States which appropriate similar amounts. Upon the face of it, that makes it a joint affair; the Federal Government pays half of the cost of its administration, and the State governments pay the other half. A great many similar measures in the past have carried, and they lead inevitably to the effort, at least, on the part of the States to shirk their part of the burden, and to pivot the entire thing upon the shoulders of the Nation.

I have several times been requested by some of my constituents to support a measure here relieving the States from their required contributions to the fund for good roads, on the ground that it was too heavy a burden for them to carry; and, of course, the United States, having plenty of money, possessed of some invisible and mysterious and never-failing source for securing it, and getting the benefit of these improvements, ought to do it themselves. Hence I do not think it is an unreasonable statement to predict that the progression of this bill, or of the law after it becomes a law, will constantly tend in the one direction to increase the burdens and in the other direction to double them through the exemption of the States; and when the attempt is made letters will be read here from every governor in the Union recommending it, especially those who are candidates for reelection, because it will be a big thing for themselves and their constituents.

But in addition to that, Mr. President, I affirm that this board can not function, and in its functionings comprehend the entire subject among one hundred and odd millions of people, on \$4,000,000 a year or twice that sum. If it is to save the lives of thousands of women and infants now offered as a sacrifice upon the altar of our negligence and incompetency, it will need a fund ten or fifteen times greater than the amount which this bill now carries.

You tell me that if it does, the object it accomplishes is worth it. I grant you. But then I come back to the proposition, where are we to get the money? I wish it were possible for a Government like ours to be able, either automatically or by some other process which would relieve the taxpayers, to keep its Treasury full all the time. The age of miracles has passed. We can no longer feed a vast multitude with a few loaves and fishes. The widow's cruse of oil in these days does not last overnight.

It must be replenished, and replenished from some source, and the only source I know of for the replenishment of the Treasury is the property of the people, and unless our taxes are diminished, and sensibly diminished, in the next four years, millions of votes which were cast last fall for the Republican ticket will be cast against it when the next presidential election comes around, for we have educated the people, Mr. President, by yielding to their wants to believe that the Government is the source of all their misfortunes, of all their evils, and of all their misery; therefore that the Government is capable by legislation to heal their misfortunes, to replenish their wealth, and to restore to them, at any time we see fit to do it, their prosperity. That is the job you gentlemen have. I am glad that after the 4th of March I will be in respectable life. It is a job that can not be performed if we are going to constantly enact appropriation bills, and especially those which increase the fixed charges of the Government.

This Nation is going through the travail of reactionary conditions, through the operation of inevitable economic laws whose processes have already begun. The next year is going to be a hard year for producer and consumer. Business is already depressed. These untoward conditions breed discontent and sometimes disaster. There is no royal road to prosperity, no legislative road, certainly, through which these conditions can be avoided. We must meet them and overcome them in the good old way, as we did in 1857, in 1873, and in 1893, and those whom we have educated to believe that they will find their panaceas through legislation will be bitter in their resentment toward those who fail to extend them, or who, attempting to extend them, shall not measure up to the limit of the expectation.

So I protest, Mr. President, in all seriousness, against the addition of legislation like this to our statute books, and this is from the standpoint of our financial condition.

But, Mr. President, this subject, in my judgment, is one which, if it is as serious as claimed, it is the duty of the States in their respective jurisdictions to meet. If the Government of the United States has authority and jurisdiction, as a Government of delegated powers, over a subject like this, then we should create a bureau to see to the decent burial of every citizen, man, woman, and child, not only aiding in the bringing of people into the world, but in seeing that they pass away amidst surroundings at least of Christian decency. I might mention other illustrations, but it is not necessary. I know that each of these successive measures constitutes a precedent for others, and every man or woman, conceiving an idea of something which will be of beneficial result to the human race or to reform it, will not only hasten to Congress to present the measure here, but will inevitably have behind it the support of everybody who will give his assent to it, as being more pleasant than either to refuse or to be indifferent.

The mortality in maternity cases given here from some unstated official source as being 23,000 last year out of a population of perhaps 25,000,000 adult women, while very serious and deplorable, is not much less than the number of murders that have cursed this country during the same period. I will not say so, because my information is not sufficiently definite, but I think, Mr. President, that this is a normal mortality, and if it is, then it will persist.

We do know this, that as woman rises in the scale of civilization and refinement the dangers of maternity increase, and the lower this scale the more easily that ordeal, which in the course of nature is essential to the perpetuation of the race, is borne. I do not mean to say for that reason that this measure is not properly devised, but I do say, Mr. President, that if it is to be administered by a Government bureau, it is a failure, for if bureaucracy means anything it means a decrease of efficiency and capacity, and a substitution for both of a red-tape program that is the most expensive thing to the people of the United States that I know of.

We have another bill here for the purpose of taking over the educational interests of the country and then in creating them into a bureau or department and binding it with the irremovable fetters of Washington red tape, all because the States have the notion that the Government of the United States ought to carry the expense of education; and yet the education of the young is one of the supreme elements of local self-government, one of the things which perhaps of all things should remain under the dominion and control of local authorities everywhere. There is no educational system in the world like that of the United States, beginning with the district school and ending with the State university. That is coming to Washington, I am told, with its additional appropriation. School-teachers are all for it, and I do not blame them, for God knows their compensation has been a shame and a disgrace to the people of the United States for many years. They may get more money, but the injury that such a bill, in my judgment, will do to local self-government in the United States, to say nothing of the cost of education itself once it became bureaucratized, is far greater than any monetary compensation, even if the Government were wealthy, that could flow from that direction.

So I believe, Mr. President, that we have gotten along pretty well in the good old way, the people attending to their own business the best they can, the Government attending to its business the best it can. Jefferson is the idealized statesman of this side of the Chamber. He once said that that government is best which governs least; but we honor Jefferson on this side—or have since I have been here—by going contrarywise to every sensible thing that he ever advised us to do. I know that that government which governs least must be better than the one which governs most, because it is that kind of a government that I have been accustomed to during the last 25 years of my life.

It is said here that heretofore Congress has appropriated large sums for hogs and cattle. That is true. Most of the hogs have walked on two legs, and since we began to squander money on these hogs their appetites have increased amazingly and will continue, in all probability, to do so as long as their threats and their commands are heeded by this body and the one at the other end of the Capitol. It is true, Mr. President, that a great deal of money has been appropriated for the animal industry of the United States. It is easy to draw a comparison between a hog and a child, and to say if you do so much for hogs, why do not you do something for children? Hogs form a part of the interstate commerce of the country, therefore peculiarly within the jurisdiction of the United States Government. The child is supposed to be under the guardianship of the family and the family to be the foundation of our form of government.

Every well-regulated parent tries, as soon as possible, to look after the welfare, both physical and mental, of his offspring. Mr. President, we should beware of the first move toward the physical control of children, lest we end with the system which prevails to-day in a country which possesses 180,000,000 of people.

You may say that there are many who have not the means to properly nurture a child or to care for a wife in the throes of maternity. It is to them that the duty of the separate Commonwealths should go. When I was governor of my State I advocated something of that sort, and it is to them, Mr. President, that this duty will go, if we by our legislative action compel the States to do their duty—to carry their share of public responsibility and enable the Government of the United States to properly function along the lines it was designed to occupy.

This report says there is no difference of opinion among the women as to the necessity of this measure. I do not doubt but

that is true. I think I am safe in saying that not 1 per cent of the women of the United States have ever read this bill. They may have heard something of it. I have known bills to pass here which were said to have the support or approval of practically all the women in the country. They did not appeal to me particularly for that reason, because, while it is something that should be considered at all times respectfully and seriously, it never should be the controlling influence of legislative action. Why were we sent here, Mr. President? Was it not to exercise our own powers of thought and action, to take an oath to support the Constitution of the United States, and give our time and our talents to such legislation, and to the prevention of such legislation as seemed to be essential at the time, and to correct such former legislation as experience has shown to be unnecessary or inexpedient? Hence that should be the basis of our action, and while welcoming opinions of others, not be overruled and taken from our seats because of their numbers, but from the sense of our duty, of our obligations, and of the effect upon the body politic, all the people, of any laws that we may pass upon the statute books. Hence the first question is, in my judgment, to what extent does a measure like this affect all the people of the United States? Some one ought to speak occasionally for all the people of the United States.

I say, in the first place, that it is a usurpation of State authority, and, in the next place, that we bureaucratize—I wish I could find a better word and a simpler one to express what I mean—all these various domestic duties and conditions, and aggravate the evils that they are designed to cure rather than give the benefit which it is hoped they will bring. It is inevitable that a Federal board in the city of Washington, charged with a duty of this sort in a remote village in the State of Washington or of Maine or of southern California or of Florida, can not be as effective under any circumstances as those directly upon the ground, ready to act, and who ought to act by every impulse of humanity, to say nothing of the duty resting upon the broad shoulders of the particular Commonwealth.

God knows where this sort of legislation will end. I have called the attention of the Senate to the views of Herbert Spencer upon the subject. I suppose he was the keenest and most profound political and philosophical thinker of his generation. His works are immortal. His warning has never, in my judgment, been answered. Indeed, I question if anyone could do so.

If we continue this infinite series of legislation affecting the person, affecting his association with his fellow man, affecting domestic affairs, affecting his business, we will soon affect his politics, arouse his hostility, and, by our irritation, possibly, alienate his loyalty to the Republic, which is charged with the duty of protecting and not persecuting.

Now, Mr. President, I shall not occupy the time of the Senate any longer upon this measure. As I stated at the outset, I know that I have been wasting my fragrance on the desert air. In the first place, only a meager half dozen of Senators have done me the honor to listen, even in part, to what I have said.

In the next place, I think they are precommitted to the bill. I have no doubt a large number of them believe just as honestly and conscientiously that it is wise and necessary as I believe that it is not; but it carries an appropriation, and that is the open sesame of Federal legislation. Indeed, let me close by relating an incident that occurred on this floor during the consideration of the good roads bill immediately after the war.

You will remember, Mr. President, that our lamented brother and colleague, former Senator Bankhead, chairman of the Committee on Post Offices and Post Roads, reported an amendment to the Post Office appropriation bill of that year appropriating \$250,000,000 for good roads. Some of us thought it was unwise, I still think so, and did at that time. The Senator from Utah [Mr. KING] asked the Senator from Alabama [Mr. Bankhead] this question: "Does the Senator know where the money is coming from to make this appropriation?" The Senator from Alabama retorted, "You had better ask the Finance Committee. It is their business to supply the money, and it is simply our business to vote it." And it is; he answered correctly. You gentlemen who are to control the Finance Committee next year should remember that. It is your province to supply the money, to regulate taxation, and as you discharge your duty, so, in my judgment, will the fate of your party be.

IMMIGRATION LEGISLATION.

Mr. KING. Mr. President, I desire to address myself for a moment to another matter. Recently a bill restricting immigration passed the House. That measure is now before the Senate Committee on Immigration. A number of bills were

introduced by Senators dealing with this important subject, and those measures are now before the committee.

I have seen the statement in a number of newspapers that in all probability nothing further would be done with this legislation during this session; that the Senate would take no action whatever upon the House bill or any other pending measure. I do not know where this information came from. Conceding accuracy, generally, to the press, I am inclined to think, however, that in this matter an error has been fallen into.

Speaking for myself—and I think for other members of the committee—I desire to say there is no disposition to delay the passage of legislation at this session dealing with the question of immigration. I know that a number of Senators, members of the Committee on Immigration—and I am a member of that committee—have asked for speedy consideration of either the House bill or some of the measures which have been introduced in the Senate. I am reasonably confident that within a short time the Senate committee will take up for consideration the measures now pending before it and report some bill to the Senate. I believe that some legislation should be enacted before we adjourn. I believe that the information which we have obtained relative to the purpose of millions in Europe to come to our shores in the immediate future calls for some prompt action upon the part of the legislative branch of this Government.

Of course, no policy will be adopted which will permanently exclude aliens from our shores. Our country for more than a century has been the asylum for the oppressed of all nations, and we have welcomed to our shores millions of people from all parts of the world. Our composite citizenship testifies to the fact that we have drawn peoples from nearly all parts of the world. There is yet room in the United States for millions of honest, intelligent, and progressive people. But the situation in Europe and other parts of the world to-day is such as to call for restrictive legislation. Indeed, there seems to be strong reasons calling for a law that will forbid for a limited period practically all immigration. During such period an exhaustive investigation can be conducted and full information obtained, so that at the end of such period we will be ready to put into operation a law which will be fair and just and which will preserve the ideals of this Republic and make for the happiness and welfare of the American people.

Mr. SHEPPARD. Is it the intention of the Committee on Immigration to hold hearings?

Mr. KING. My understanding, responding to my friend from Texas, of the attitude of the Senate committee is to hold hearings.

Mr. SHEPPARD. After the holidays?

Mr. KING. I am advised that the chairman of the committee—though I have not heard it from him directly—has stated that there will be no hearings until after the holidays. In my opinion, we should have the hearings immediately. I hope the committee will refer these bills to a subcommittee, if it shall not conclude to consider them in the full committee, and that the subcommittee or the full committee will grant hearings to those who desire to be heard.

I think there has been some propaganda in the United States and a good deal of hysteria calculated to inflame the minds of the American people, so that they would oppose for a long period any migration to our shores. This subject is of vital importance and should not be treated lightly. A sound and rational immigration policy should be adopted, but we are not in possession of sufficient data to formulate a permanent law. But, as I suggested, the chaotic conditions of Europe and the imminence of a flood of undesirable immigrants, among whom would be thousands of persons who desire the overthrow of this Republic, not only justifies but requires the immediate passage of a measure which will practically prevent any aliens from coming to the United States for a period of from six months to one year.

I sincerely hope that the committee will immediately consider the question, and that before the holidays or immediately after the holidays the House bill, with suitable modifications and amendments, or a similar one, will receive favorable action upon the part of the Senate.

CALL OF THE ROLL.

Mr. WARREN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FERNALD in the chair). The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ball	Capper	France	Heflin
Borah	Curtis	Harris	Henderson
Brandagee	Fernald	Harrison	Jones, Wash.

Kendrick
Kenyon
Keyes
King
Kirby
McNary
Norris
Nugent

Overman
Page
Phipps
Pittman
Polindexter
Pomerene
Ransdell
Sheppard

Smith, Ariz.
Smith, Md.
Smith, S. C.
Smoot
Spencer
Stanley
Sutherland
Swanson

Thomas
Trammell
Warren
Watson
Wolcott

The PRESIDING OFFICER. Forty-one Senators have answered to their names. A quorum is not present. The Secretary will call the names of the absent Senators.

The Assistant Secretary called the names of the absent Senators, and Mr. FRELINGHUYSEN, Mr. McKELLAR, Mr. NEW, and Mr. STERLING answered to their names when called.

Mr. NELSON and Mr. COLE entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. There is not a quorum present. What is the pleasure of the Senate?

Mr. LA FOLLETTE entered the Chamber and answered to his name.

Mr. SMITH of South Carolina. Mr. President, a parliamentary inquiry. If a motion to adjourn were made and carried without the unfinished business being laid before the Senate after the consideration of the pending bill, would that change the status of the bill which is now the unfinished business?

The PRESIDING OFFICER. The Chair rules that it would not.

Mr. SMOOT. The unfinished business was temporarily laid aside and we can adjourn now without affecting its status as the unfinished business. It will come up to-morrow as the unfinished business at 2 o'clock.

Mr. SMITH of South Carolina. Is that the ruling of the Chair?

The PRESIDING OFFICER. It is.

Mr. HITCHCOCK entered the Chamber and answered to his name.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum of the Senate is present.

RECESS.

Mr. FRANCE. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 4 o'clock and 25 minutes p. m.) the Senate took a recess until to-morrow, Friday, December 17, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, December 16, 1920.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Teach us, O Lord God, our Heavenly Father, the simple, the normal life, that we may live in consonance with the laws thou hast ordained, loving mercy, doing justly, walking humbly with Thee, our Father, and thus possess a conscience void of offense toward Thee and our fellow men, after the similitude of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALL OF THE HOUSE.

Mr. MANN of Illinois. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order there is no quorum present. Evidently no quorum is present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The roll was called, and the following Members failed to answer to their names:

Ackerman	Clark, Fla.	Eagle	Goodwin, Ark.
Anthony	Copley	Edmonds	Gould
Ayres	Costello	Ellsworth	Graham, Pa.
Babka	Crago	Emerson	Griest
Baer	Crowther	Ferris	Hamilton
Bell	Cullen	Fess	Hill
Blackmon	Currie, Mich.	Fields	Holland
Bland, Ind.	Davey	Flsh, Jr.	Igoe
Booher	Davis, Tenn.	Freeman	Ireland
Britten	Dent	Fuller, Mass.	James, Mich.
Butler	Dominick	Gallivan	Johnson, Ky.
Campbell, Kans.	Donovan	Gandy	Johnston, N. Y.
Candler	Doelling	Ganly	Kahn
Cantrill	Doremus	Godwin, N. C.	Kelley, Mich.
Casey	Dupré	Goldfogle	Kendall
Christopherson	Eagan	Good	